THE

SPORTING MAGAZINE:

OR,

MONTHLY CALENDAR

OF THE

TRANSACTIONS

OF

THE TURF, THE CHASE,

And every other Diversion interesting to

THE MAN OF PLEASURE, ENTERPRISE, AND SPIRIT.

DECEMBER, 1807.

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Embellished with—I, A beautiful highly-finished Engraving of a Persian Greyhound. II, Sudbury and his Friend Monkey, an Etching.

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AND SOLD BY J. WHEBLE, 18, WARWICK-SQUARE; C. CHAPPEL, 66, PALL-MALL; J. BOOTH, DUKE-STREET, PORLAND-PLACE; JOHN HILTON, NEWMARKET; AND BY ALL THE BOOKSELLERS IN TOWN AND COUNTRY.

TO CORRESPONDENTS.

Our old friend, Mr. Clifton Tomson, of Nottingham, has our best thanks for his polite Letter, and for the promise of the portrait of Mr. Cave Browne's celebrated greyhound Rocket; likewise for his intimation of favouring us with some other subjects for our Magazine; and which, but for the constant calls upon him by Noblemen and Gentlemen, for portraits of their horses, dogs, &c. would have been sent us long since. As soon as they are received, they shall go into the Engraver's hands.

Mr. A. Brown's Philosophical Sportsman, No. IV. in our next. The rest of these truly entertaining Papers are received, and shall appear in due course.

We have received the Account of Lord Grosvenor's Stud; it shall appear in our next.

Some of J. F.'s valuable communications having been unfortunately mislaid, we hope this will be an apology for their standing over for the next Number.

The old Hunting Song requested by our friends in the West shall appear as soon as possible, as well as that on Partridge Shooting.

Gentlemen disposed to favour the Publisher of this Magazine with Original Paintings of Sporting Subjects, are assured that the utmost care shall be taken of them, and of their being safely returned. The Engravings thus taken, will be executed by the most approved Artists, and in the first style of excellence.

J. Ward pinx.t H.R. Cook sculp.t

Persian Greyhound.

THE
SPORTING MAGAZINE;
FOR DECEMBER, 1807.

THE PERSIAN GREYHOUND.

A beautiful highly-finished Engraving.

THIS dog, so different in appearance from our English greyhounds, is a very handsome animal, with a fine soft skin, the hair of its ears and tail appearing like silk, and resembling it in softness; his throat, toes, and inside of his ears, are white; his back, and upper part of his tail, a dark brown; and the rest of him of a sandy hue;—which, together with his handsome form and novel appearance, attracts the admiration of every one who sees him. He is of a gentle disposition, and possesses the same qualities as our greyhonnds, with considerable swiftness of foot, having beat several dogs which have run with him. Our print of him is engraved by Cook, from the original picture painted by Mr. Ward, for Lady St. George's, to whom the greyhound now belongs.

ON BROOD MARES.

To the Editor of the Sporting Magazine.

SIR,

IF the following observations are thought worth inserting in your next Number, you will oblige much an admirer and constant reader, J. F.

York, Nov. 1, 1807.

Being, last week, in company with a party of sportsmen, at a worthy Baronet's, (whose name frequently appears in the Racing Calendar) a celebrated man on the turf asserted, that (with some few exceptions), in the course of forty years' experience, he had remarked, that there were more good brood mares of a moderate size, from 14h. 2in. to 15h. than mares of a greater size; and, as a proof of his assertion, mentioned the following mares, besides others, whose names I have now forgot.

The famous Widdrington Mare.
Madge (dam of Miss Cleveland).
The Hartley Little Mare.
Mr. Pratt's Squint Mare.
O'Kelly's Tartar Mare.
Mr. Cradock's Syphon Mare (dam of Pencil, &c.)
Queen Mab.
Faith (dam of Marcia, &c.)
Mr Goodricke's Old England Mare.
Lardella.
Baron Nile's dam.
Young Marsk Mare (dam of Mary Ann and Warner, and grandam of Young Chariot, Ashton, &c.)
Gentle Kitty.
Calash.
Herod Mare (dam of Precipitate, Gohanna, &c.)
Tuberose.
Contessina.
Niké.
Eclipse Mare (dam of St. George).
Eliza (dam of Scud).

Mary (dam of Harmless).
Pewett.
Match'em Mare (dam of Diamond, &c.)
Miss Timms.
Nina (dam of Guildford).
Seedling (dam of Master Jacky, &c.)
Rosina (dam of Governor, &c.)
Snap Mare (dam of Shuttle, &c.)

VERY SINGULAR CIRCUMSTANCE IN A BROOD MARE.

THE famous brood mare, called Sincerity, bred by the late Lord Grosvenor, was foaled in 1777, got by Match'em, her dam Papillon (also dam of Lady Teazle, Wren, Sir Peter Teazle, Mrs. Candour, Wagtail, Brown Bess, &c.) by Snap, &c.

She was the property of the late Francis Dawson, Esq. of Newmarket, and very early in the year 1790 foaled a brown filly by Highflyer, afterwards called Katharine; and being covered again by the same stallion, on December 31, 1790, dropped another brown filly.

In 1798, Sincerity was put to Mr. Teazle, and in 1799 had a colt foal, which died soon after. She was then put to Buzzard, and on December 26, 1799, foaled a bay filly, afterwards called December, and now a brood mare in Mr. Galway's stud.

EXTRAORDINARY SAGACITY IN THE CANINE SPECIES.

A Short time since, a gentleman, at Richmond, Surrey, betted his friend a rump and dozen that his dog should go from Richmond-bridge to Brentford, and return with half a crown, in two hours. The dog was accordingly taken to the entrance of Brentford, where his master placed half a crown under a stone, and then returned to Richmond. The dog was then dispatched to perform his master's wager, and he went immediately to the spot where the money was formerly placed, but the stone had been removed, and the half crown taken away.

Unable to find the money, the dog ran towards Kew-bridge, where he overtook a gentleman, and followed him into his house near the Green. The gentleman endeavoured to drive the animal away, but Prince refused to quit him, and, struck by the singularity of the dog's attachment, the gentleman made no further efforts to part.

The time having elapsed for winning the bet, the owner of the dog expressed a belief that some accident had prevented the animal from returning, and requested his friend to go with him in search of the dog. They then walked to Kew Green, where they observed the gentleman before described coming out of his house, with Prince at his heels. The owner instantly accosted the gentleman, and requested to know how he came by the dog, observing, the dog was his. The gentleman described the manner in which the dog had followed him, and assured the party he had no wish to detain him. The owner then asked the gentleman if he had any thing about him that was not his own property? In answer to this interrogatory he exclaimed, "What do you mean, Sir; do you take me for a thief?" The master of the

dog

dog replied, "'Pon my honour, I mean nothing personal, but the dog has a wonderful sagacity in discovering any article that may have been in my possession. Pray, Sir, have you found any thing?"—The gentleman returned, "Why, I have indeed found something of small value: returning from Brentford, I picked up half a crown by the road side. The dog's master, with a hearty laugh, exclaimed, "That half crown, Sir, has been the cause of my dog's attachment to you. My friend and I placed the half crown on the spot you found it to decide a wager, and sent the dog for it; not finding it, he has traced it to you, and, as a proof of the truth of what I assert, put the half crown down among twenty others, and if my dog don't pick it out from the rest, I'll forfeit 100l." The gentleman, with surprise, instantly laid down the half crown among five others. It had been previously marked, and the dog immediately selected it from the rest, and carried it to his master, to the great astonishment of all who witnessed the circumstance.

The dog has frequently done similar exploits, and is considered a most extraordinary animal by the surrounding neighbourhood.

On Monday, December 7, a bet of twenty guineas was made, between Mr. Arnold, a sporting man, who resides at Pentonville, and Mr. Mawbey, a factor, in Fulham-road, that the former did not produce a dog, which should be thrown over Westminster-bridge at dark, and find its way home again in six hours, as proposed by Arnold.—The inhuman experiment was tried the next evening, when a spaniel bitch, the property of a groom in Tottenham-court-road, was produced, and thrown over from the centre of the bridge. The animal arrived at the house of her master in two hours after the experiment had been made.

THE CHASE.

We have noticed some very *lame* accounts of Fox, Stag, and Hare Hunting, in the Public Papers; the *York Herald* is, however, an exception to this observation, which, under date of York, Dec. 19, has furnished the following excellent article:—

At length we are happy in being able to congratulate our Sporting Readers on the breaking up of the severe frost, which has of late put such a total stop to the noble diversion of Fox-hunting. We have not heard from the East-Riding, and indeed we fear the weather has prevented Sir M. M. Sykes's pack from having any sport; but Mr. Fox's hounds had a remarkable run on Saturday last. Though the frost was hardly out of the ground, they met at Dog-Kennel Whin, which they drew without success, and thence proceeded to try Hatchet Spring and School-house Whin, without "a single challenge;" but on putting the pack into Bell Wood, a Fox immediately stole away, and facing the strong inclosures towards Thornes, turned to the left, passing over Rigton Hills nearly to Keswick Oxclose, and thence to the right by Collingham Town, over the open fields, to Clifford Moor, crossed the North Road and Mr. Thompson's Park at Wetherby Grange, where, finding the pack close at his brush, he boldly dashed into the River Wharf, and running through Horne Banks over Walton

Walton open fields, by the Whin, up to Walton Wood, thence by Mr. Stapleton's Plantations to Bilton, by Healaugh Town, leaving Shire Oaks to the right, over those strong inclosures, and very deep and severe country, up to Bilbrough over the Moor, crossed the York road at Street-houses, down to Bolton Percy, turned to the left to Hut Wood, into which cover Reynard was viewed not above a field before the pack; but here they unluckily changed, and going away with a fresh Fox, were with difficulty stopped running breast high, in a direct line for the river below Sir Wm. Milner's, at Nun-Appleton—all the horses that *hied* to the end of this uncommon run being *completely satisfied.* In a direct line, from point to point, it exceeded twenty miles—the ground they went over, above five and twenty, in two hours and eighteen minutes; and what is remarkable, this game Fox hardly owned a cover, and never tried an earth. The scent laid very well, and they always "kept going," though certainly not their best pace. Mr. Hawke on King Cole, Mr. Jadis on Speculation, and Mr. Clough on Conjurer, deserve honourable mention, for riding well up to the hounds in this excellent run; nor should Captain Sotheron, on his favourite horse Brocket, be omitted, who showed what wonders a heavy weight can perform, when possessed of "a good eye to a country."

Of the Southern Hounds and their exploits, we have no very interesting particulars.

The Hon. Colonel Fitzroy, of Suffolk, has disposed of his Hounds to the Duke of Bedford, for five hundred guineas. The Colonel was accustomed to hunt them himself, and the reason for their now being parted with is owing to the Colonel's bad health; his physician conceives the exertion of cheering the hounds, together with the exercise, too much for his constitution, which was very much impaired during his campaign in Egypt. The Colonel suffers very much from an asthma.

Mr. Fermor's excellent pack is come, or coming up, the end of this month, from his seat in Oxfordshire to Epsom, for the purpose of hunting there during the remainder of the season. The Gentlemen of Surrey expect much sport, as Mr. Fermor will turn out a great number of bagged foxes. The hounds are in high condition.

Lord Derby has had some good Runs with his Stag Hounds, in Kent, since his arrival at the Oaks, from the North.

FRENCH SPORTING.

FRANCE is divided into districts, over which regular huntsmen and verdurers are distributed, for the preservation of forests and the destruction of wild beasts. The chief of one of these districts, comprising four departments, in his official report, states, that from the 1st of May, 1806, to the 1st of May, 1807, there were killed, in the department of Aude, where the chief resides, 3 bears, 111 wolves, 31 foxes, 11 badgers.—In the Department of L'Herault, 39 wolves; in that of D'Aveyron, 71 ditto; in that of the Eastern Pyrenees, 17 ditto, 5 foxes, 1 badger.

Making

Making a total of wild beasts destroyed in one division, of 3 bears, 231 wolves, 36 foxes, and 12 badgers.

ARTICLES

RECEIVED SINCE THE ARRANGEMENT OF THE

SPORTING INTELLIGENCE,

In a subsequent Part of our Magazine.

LIEUTENANT Fairman, who had undertaken to run, on Monday, the 21st, (p. p.) from the end of Oxford-street to Harrow, and back again, a distance of twenty miles, in two hours and fifty minutes, declined the undertaking, in consequence of the unfavourable state of the weather, and paid forfeit. He has, however, since entered into a new engagement, and, from the unfavourable state of the season, his time has been extended ten minutes. He will consequently be now allowed three hours to go from Cumberland-gate, at the end of Oxford-street, to Harrow Church, and back again. The distance is upwards of twenty miles, and the road, which is the heaviest all round London, has in many places no footpath. He is bound, as before, to undertake the journey within a given period, p. p. The odds, from the probable state of the weather, are considerably against him at present.—In the opinion of the sporting men, the attempt is an arduous one.

Gregson and Gulley (*see page 139*) are now actually matched for 200 guineas a side, to fight in May (about the 9th). Fifty pounds a side have been put down by Major Morgan for Gregson, and Mr. Jackson for Gulley; the Hon. Berkley Craven, stakeholder: 50l. more a side to be put down on the 1st of March, and the rest before fighting, or forfeit the deposit.

Bets on Captain Barclay and Abraham Wood's Foot Race.

After the contradictory accounts, with the ill-founded assertion, that it had been determined, at a meeting at Tattersall's, that the bets on the foot-race between Captain Barclay and Abraham Wood, on the 12th of October, *ought not to be paid*, we have it from all quarters, and on the best authority, that, as there was no collusion proved, (nor do we think any existed) the bets *ought to, and have been paid*, by all sporting men. There has been no decision of the Jockey Club, nor any opinion given by the Stewards on the subject; but Mr. Cook, surgeon, of Newmarket, who saw Wood in the evening previous to the day of the race, has stated, in two certificates, that Wood was then under symptoms of fever, and complained of what he (Mr. Cook) supposed likewise to be symptoms of gravel, and which, though relieved by copious perspiration in the night, unfitted him for that degree of exertion necessary for the purpose of his race with Captain Barclay the next day.

DISPUTES

BETWEEN GENTLEMEN,

On Points of Honour, &c. &c. &c.

WE propose now, and in the future progress of our work, to select such articles as relate to every species

species of dispute among gentlemen, including trials by courts-martial, duels, altercations, &c.

We propose likewise, on the recurrence of each month's publication, to look back to the preceding one, and to offer such reflections as may be necessary, in order to place contending parties in a fair and candid point of view before the public.

At the same time we wish to guard our readers, in all cases, against forming opinions where *ex-parte* evidence is only given, but to wait the issue—"*To hear all, and then let Justice hold the scale.*"

Besides the following, several articles will be found in the present number which will assimilate with those of the foregoing description.

COURT-MARTIAL AT PORTSMOUTH.

Tuesday the 15th instant, Captain Short, late of His Majesty's ship Porpoise, was tried by a court-martial, on charges brought against him by Lieutenant J. S. Tetley, for cruel, oppressive, and unofficer-like behaviour to him, on the quarter-deck, when in the execution of his duty; degrading him before the ship's company; making use of threats tending to put him in fear of his life; and for a misapplication of the ship's stores to private purposes, and making false entries in the ship's log-book. The charges not being proved, Captain Short was *acquitted.*

ANOTHER COURT-MARTIAL.

Thursday the 17th instant, in Chelsea-College, a court-martial, composed of General and Field-Officers, proceeded on the trial of Sir Charles Hotham, Colonel of the Beverley Buffs, or the East York regiment of Militia. The charges, which were fifteen in number, being distinctly read by Mr. Ryder, the Judge Advocate, R. Legard, senior Captain of the same regiment, who preferred them, addressed the Hon. Court in a short but elegant speech. He fairly avowed that he had no motive in commencing this prosecution against his superior officer and Colonel, but a sense of duty, which, as an officer, he felt himself bound to discharge to his King and country.

These charges, though different as to time and place, were of the same description and nature; they were charges of irregularity and drunkenness, disgraceful and degrading in any man, but in an Officer of superior rank, fortune, and family, they would inevitably bring disgrace on the Corps with which they were connected. Invidious as the task was, and however unequal to the discharge of it, the prosecutor would be guilty of gross dereliction of duty if he neglected to perform it, because they were all contrary to the Mutiny Act, the Articles of War, and the Orders of the Commander in Chief. He was well aware he had to contend against superior rank and fortune; but he did not shrink; he had a body of evidence to substantiate all these charges, which could not be impeached or contradicted.

After the examination of several witnesses on the two first charges, the Court adjourned at 3 o'clock. The Earl of Euston, Colonel of the West Suffolk Militia, is President of the Court.

The result of this court-martial will be given in our next.

ACCOUNT

ACCOUNT OF THE GAME IN VAN DIEMAN'S LAND.

Mr. Wheble,

As I often, when in England, much enjoyed the accounts of different styles of hunting in various parts of the world, and as you was in the habit of interspersing them in your *Sporting Magazine*, I presume some relation of the chase of the Kangaroo in this *Terra Nova*, will not be uninteresting to your readers.

Although not much of a huntsman before I left Europe, yet I have sense enough to know you have no animal now left that can give you the least idea of sporting in Van Diemen's Land. Nevertheless, I have heard much of the fatigues of the chase, of hard days' riding, dashing leaps, &c. &c. yet these are mere pigmy difficulties, when compared with those of the *bush* in our new world.

The only animals I recollect you to have now left as objects of sport, are the hare and fox, with (although but very seldom) the stag; and in pursuit of these innumerable hounds, horses, and huntsmen, are joined, and if one solitary brush is obtained, the day is thought to end victoriously. What, then, would be thought among you, of one man, with two dogs, often procuring in a few hours, and bringing home on his shoulders, many miles, one hundred and fifty pounds weight of solid flesh food, which I declare my own huntsman has often done; and I have many times had three cwt. of meat hanging in my yard at one time*, which I assure you, if properly dressed, it is impossible to distinguish from beef, and in its gelatinous quality it far exceeds the ox, for the tail, head, and feet, make a soup equal to the finest turtle; and it is here as uncommon to sit down to table without a tureen of this rich soup as the first dish, as it would be in England to eat dinner without bread: in short, during the interim of our stock increasing sufficiently in this new settlement, to enable us to kill with propriety, the kangaroo is our principal support; and as all nations have, *ab origine*, done before us, so we may be said to live by the chase; but I must be understood, this chase is not unattended with difficulties of the extremest nature, with expence, the severest fatigue, and even danger.

In the first place, the labour of a man to hunt four dogs, if of any merit, is worth 40l. per annum; our dogs, if of good breed, cannot be purchased for less than 20l. 25l. and 30l. the pair, and to hunt with any continued certainty, you must have at least four, and often more, some gentlemen having seven or eight, although more than three are rarely ever hunted at one time; and among these, every person must have at least one dog that will what we call *shew*, that is, the kangaroo is so uncommonly fleet, that nothing but the swiftest greyhound can equal them; they are of course seldom killed in sight of the huntsman; and in the wild country this is, forming only, on all sides, one impenetrable forest of immense gum trees, and the deepest underwood, interspersed nine months of the year in all directions with runs of water, and with the

* You will be surprised at the necessity of having such a quantity of animal food; but in this provision consisted our only means of paying the men working on our farms for their labour.

number of fallen trees that, it must be supposed, have given way to old time in 6000 years, it is now the value of the dogs becomes most evident. After having run a considerable distance from the view of those hunting them, they will return (frequently after a lapse of two hours); and if they have killed, one chosen hound will intuitively conduct his keeper through an almost impassable brush, for miles, to the exact spot the reward of their vigour lies in, and if it was not for this quality of the dogs bred in this country, nine out of ten of the kangaroos killed would be lost. The chase is so severe, that the strongest dog cannot hunt more than three times a week, and he is fortunate if he escapes without being torn in the most dangerous manner, many of our finest animals being cut to death by the claws of the dying kangaroo.

I have hunted my own dogs, and nothing I have heard of the amusement can be placed in competition with it. I once laid three superior dogs on an immense *forester*, and notwithstanding, from his entangling himself in a brush, they soon haunched him, yet, although the man with me exerted all his strength in beating him with a club, he was not overcome for full fifteen minutes, snorting the whole time, with one of the strongest dogs in the colony at his throat. and the two others seizing him as often as his accursed claws would allow them.

It is certainly the grandest sport of the field that can be imagined, at the same time the most interesting, and the most dangerous. In this instance I paid dearly for the victory; my two best dogs were so severely mangled, that I was obliged to leave them panting in their blood, till I could send for them; and although the kangaroo weighed 137lb. yet I would not, for twenty of his weight, have laid up my dogs so seriously as they were. The chest of one was cut completely across, and so deep, that his lungs could be plainly seen, added to which, his right side was as severely laid open by one kick. The other had the whole under part of his belly deeply gashed, the scrotum entirely cut away, and his mouth enlarged from nearly ear to ear! Yet these dogs, in five weeks, actually were again more savage, and as vigorous as ever!

The fatigue these faithful, and to us invaluable animals, will undergo, is incredible; and when their feet are so sore and cut with hard running that they may literally be said, in the old phrase, not to have a leg to stand on, they are then often hunted in boots and shoes, that is, with covering for their feet made of leather, or of the kangaroo skin; and I have at this moment one of these veterans running with these shoes, a collar of leather covering a neck so often torn, that he cannot now be risked without it; and a skin so cut and sewed up in all directions, that, from no hair growing on the broad cicatrices of the many severe wounds he has had, he appears at a distance an animal of a distinct species.

The kangaroos here are divided principally into two classes, the one called *brush kangaroos*, the other *foresters*. The first run from 15 to 50 and 60lbs, the latter from 40lbs. even to 170lbs. The weight of the tail is in general one pound in ten of the whole body; thus the tail of a kangaroo of one hundred weight will weigh about 11lbs. the whole of which is one mass of cartilaginous muscle, and

makes,

makes, as I have said, the richest and most palatable soup that can be tasted, forming, when cold, the strongest jelly. It is this weighty appendage to their bodies that materially assists them in running, by striking it on the ground, thus assisting the spring they make with their hind feet, for their fore claws are too short to be of any service.

'The skins of these foresters are very valuable for shoes, and make as fine upper leathers as can be desired; and had we any manufacture here, the fur would also be of moment. It is rare that any part but the hind quarters is preserved for food, the fore quarters being given with the entrails to the dogs, with which it is necessary they should have an ample portion of ground maize, and, indeed, their keep is altogether expensive; but this they amply repay. I however expect that the persecuted kangaroo, which daily becomes more scarce, will, as was the case at Port Jackson, forsake the ground contiguous to any of our camps, and retire so far up the mountains, that the difficulties of procuring them will make it cheaper to kill our mutton.

In consequence of a disappointment of government supplies, the hind quarters of the kangaroo are now received here in his Majesty's store, at 6d. per pound, to victual the troops and convicts, in the proportion of 7lbs. for seven of salt beef, or 4lbs. of pork; and within these six months upwards of 15,000lbs. weight have been tendered, although only four gentlemen hunt for that purpose, and I am persuaded that this change of food has been the only cause of our not having any symptoms of scurvy among the people, and that had it not been for that desirable animal, we should, instead of being in such health that sickness is almost unknown, have literally been destroyed, with the privations that inseparably attend those who are present the first two years in the forming a new colony.

Of birds, we have also abundance of sport here; we have teal, quails, ducks, red birds, water hens, herons, and black swans; the latter of which we most generally run down in our boats, when they are moulting their wing feathers. Parrots, which are capital eating, and small birds, are innumerable, and we have also a most beautiful feathered pigeon, called the Bronze Wing, from the similarity of the plumage to rich bronze. In appearance they rather resemble the dove than the English pigeon, but cannot be distinguished in flavour from the wood-pigeon of Great Britain.—I have purposely first mentioned the small species of our feathered tribe, that I may the more surprise you with the colossal *Emu*.

This bird, which exactly resembles the cassowary, we catch here in great numbers, but it requires the fleetest of our dogs, which are frequently distanced; they weigh from 40lbs. to 100lbs. and will kill our strongest greyhounds by one blow of their talons. The chase of them, in the picturesque part of the country they are found in, is a sight beyond my description, and can only remind me of what I have thought the romantic tales of Vaillant. Some time after our first establishment, being with a party on an excursion up the river, we suddenly came on a beautiful valley, not before prophaned by an European eye, in which were grazing seven of these majestic birds:

 we

we had three dogs; each fortunately singled out a separate object, and all, after uncommon running, killed in sight, as an immense plain was before us, and we were on an eminence; but the dogs were so exhausted and bruised in the contest, that we were unable to run them for some time. These three birds weighed 220lbs. The flesh and fat cannot possibly be distinguished in appearance from beef, which it resembles in flavour even more than the kangaroo, and is much esteemed with us: it is also received in the store, in the above proportion. I have had ten pounds of solid fat from one bird of 50lbs. which, when rendered down, and well boiled in water, is equal to the finest butter.

The most sure method the dogs have of killing the emu, is to seize them by the neck, in which they are extremely sensible; and some of our old hounds are so well aware of this, that they will often take two in one running. I think, from our ravages, we gradually accomplish the effect of driving the natives from all the parts contiguous to any of our camps, which, as they are treacherous in the extreme, and here as intractable, is much to be desired, if our residence here is to be desired. Twenty years has had little effect in taming them at Port Jackson, their natural ferocity being aided by the experience of their more *civilised* neighbours. They often spear our dogs, and attempt to pay us the same compliment, and not unfrequently will *waddy* our huntsmen, when they have not been inclined to part with what kangaroo they may have killed.

Having now sufficiently put to issue your patience, I shall conclude by assuring you, the general *tergiservatia* of this part of the world has not altered the esteem possessed in a less rude clime, of your's.

Van Dieman's Land, May, 1806.

***As I have led your imagination so far to the Southward, I must assure you, that there is in the part of Van Dieman's Land we are settled on, immense tracts of the finest tillage and grazing land on this side the line.

BANKRUPTCIES, AND GENTEEL LIFE.

Mr. Editor,

AFTER an absence of twenty years, I returned to the metropolis lately, and found a very extraordinary change both in men and manners—I cannot say that my friends are grown much *richer* in the time, but I will aver that they are much *genteeler*, or, as my old-fashioned way of thinking decides, much more *luxurious* and *extravagant*.—I was invited to dine by a gentleman, whose principal support I since learnt is a small salary as clerk in a public office, with the uncertain profit of letting furnished lodgings in a retired street—our fare was plentiful, bordering on profusion, with good wine, *up to the mast head* for a company of *ten* men.—On quitting the bottle I was ushered into a drawing-room dazzling with a profusion of wax lights, and card tables, at which numbers of *genteel people* were playing at rates which I have called *gambling*, but which I was told was the common practice of every company. I endeavoured to learn the station of the individuals concerned, and to my astonishment found them to be all either gentlemen situated in public

lic offices like our host, or shopkeepers with their wives.

I believe that the length of time I have spent out of the fashionable circles has rather contracted my ideas, and antiquated my notions, but I am not now surprised at the numbers which swell our Bankrupt Calendar, and would deem it highly salutary to propose a test oath to every person on his appointment to a place of trust, that he should not himself play, nor permit his wife to play at any game for more than some nominal coin. When I was in trade I would have thought it highly criminal to misspend night after night in such unmeaning dissipation, but I am informed I am perfectly antiquated in my notions; I cannot, however, resist the impulse of communicating my sentiments on the subject through your useful Magazine, in the hope that some more able pen may put the matter in a stronger point of view, and correct what I think an evil of great importance to general credit and private manners.—I may in a future letter give you a sketch of the different characters I have met at many of these parties, the rates at which they played, and the sums lost, that it may form a kind of mirror, and shew the deformity of the practice I condemn. I am, in the mean time, your constant reader and ad-

SPECTATOR.

THE BLIND BOY.

COVENT-GARDEN THEATRE,

DECEMBER 2.

LAST night, after the representation of the *Provoked Husband*, a new Melo-Drame was performed.

DRAMATIS PERSONÆ.

Stanislaus	Mr. Murray.
Edmond	Mrs. C. Kemble.
Rodolph	Mr. Brunton.
Kalig	Mr. Farley.
Starrow	Mr. Chapman.
Oberto	Mr. Fawcett.
Lida	Miss Bristow.
Elvina	Miss Norton.

FABLE.

Stanislaus, King of Samartia, overjoyed at the birth of a son and heir, feels the severest mortification at being informed that the child is born blind. The Queen, much distressed that the King refuses to see his son, conceives the design of deceiving him by a supposed miracle—She consults with the Palatine of Rava, who has a son of the same age as her own—at the grand ceremony of the christening this son is substituted in the place of the blind prince—the priests cry out "a miracle!"—the King and people are persuaded the blind boy has miraculously received the blessing of sight.—Rodolph, the Palatine's son, is brought up as the heir to Samartia's throne. Edmond, the unfortunate blind Prince, is delivered, with a purse of gold, to Oberto, a soldier who lived at a village near Gnesna, the residence of the court —Oberto has orders to retire, and he buys a farm near Warsaw, where he lives happily with the blind boy, and his daughter Elvina. —The court, after some years, quit Gnesna, and is established at Warsaw. The Queen, stung by remorse of conscience, on her dying bed entrusts Kalig, her confidential officer, with a packet addressed to Oberto, which contains the account of her imposition—she enjoins Kalig to seek

seek out Oberto, and if the blind boy exists, to deliver the packet. Kalig, hunting in the forest with Rodolph, they come by accident, to the farm of Oberto.—Rodolph demands some refreshment, and the name of his host—at the name of Oberto, Kalig recognises the soldier and the blind Prince, and on the departure of Rodolph he puts the packet of the Queen into the hands of Oberto—astonished and agitated, Oberto opens the seal, and is transported when he finds that Edmond, the blind boy, is heir to Samartia's throne—he calls Edmond and his daughter Elvina, and having read the letter of the Queen, and conquered their fears, they proceed together to Warsaw.—Oberto meets with Kalig at Warsaw, and consults with him how to announce the great intelligence—Kalig advises him to declare it publicly in the temple at the marriage of Rodolph and Lida, duchess of Lithuania, which is just about to take place.—The ceremony is begun—the chief priest says aloud, "I here betroth Rodolph, son of Stanislaus,"—Oberto rushes forward, and cries "He is not the son of Stanislaus."—The King, at the sight of the packet, acknowledges the writing of the Queen, and convinced by the resemblance of the blind boy, declares Edmond to be his son. Rodolph is rewarded with the dukedom of Lithuania, and Stanislaus presents him with a brilliant ring as a pledge of his undiminished affection.—But nothing short of the crown can satisfy the ambitious desires of Rodolph—he gets possession of the person of Edmond, and delivers the poor blind Prince to his villainous agent, Starrow, to be drowned in the Vistula—Starrow seeks to procure the aid of Kalig, who rescues the blind Prince, and slays, in combat, Starrow—During the fight Edmond wanders up a steep rock, and is on the point of falling down the precipice, when he is saved by Elvina, who, with her father, had flown to preserve him from the threatened danger—Kalig sounds the horn of Starrow, which was to have been a signal to Rodolph of Edmund's death—Rodolph, deceived by the sound, alarms the palace, and followed by the King and his guards, pretends to be eager in his search for the assassins—he seizes Kalig, and accuses him of the murder of Edmond—Oberto and Elvina appear with the blind Prince—the unblushing Rodolph still insists upon the guilt of Kalig, when Edmond produces the ring of Stanislaus, which in the struggle he drew from the hand of one of his assassins—Rodolph is convicted—and Stanislaus resigns the throne to Edmond, who shares it with his beloved Elvina.

This petit piece is of French extraction, and has been very successfully adapted to the English stage. It possesses considerable interest, and often touches the finer feelings, to the denouement. The language is neat, the humour chaste, and the incidents arise naturally, throughout the progress of the tale. The music reflects credit on Davy, the composer, and promises to become extremely popular. The piece throughout met with a favourable reception, in despite of the paltry junto of private actors who constantly have, for some years past, annoyed the audience on the first representation, at either theatre, of every new piece. The Blind Boy was given out for a second representation with approbation.

HORSE

HORSE CAUSE.

COURT OF COMMON PLEAS,
DEC. 3, 1807.

Dray, against Desfontaines.

THIS was an action for 100 guineas, as the price of a horse, alledged to have been sold under the following circumstances:——The plaintiff left the horse at Hull's Livery Stables: the defendant called on Hull, on Sunday the 19th of April, and asked leave to try the horse for an hour, which was permitted. He then asked Hull, if he might take him to Major Mackenzie, of Tower-hill, who wanted such a horse. Hull permitted him to do so, with this positive injunction—" You must either bring me the horse, or 100l. by two o'clock at farthest." The horse was taken upon these terms, and not returned till eight. Hull then refused to take him, and considered the horse as sold. The case at the trial was borne out entirely by the positive testimony of Hull; and the jury believing that evidence, found a verdict for the plaintiff.

Mr. Serjeant Shepherd had obtained a conditional rule to set aside this verdict on two grounds (as noticed in our last Magazine, page 85): 1st. That the evidence of Hull was most improbable in itself, and did not support the declaration as to the sale; and 2dly, that if there was a sale, such sale would be void by the statute of Charles the Second.

Mr. Serjeant Best shewed cause against this rule. As to the credit of Hull, that was a question for the jury, and if they believed his evidence, there was no doubt that there was a sale.—The second objection he conceived as more important; but against that objection he must contend, that neither the common law, nor any statute, set aside all sales made on a Sunday. This act of Charles II. enacted, " That tradesmen, artificers, labourers, or other persons, should not exercise their ordinary avocations on the Lord's Day; and that no persons should publicly cry, shew forth, or expose to sale, any wares or merchandise on Sunday, under penalty of forfeiting the same." This statute he conceived to apply merely to the public exercise of trades, but not to private sales. There was a case in 1st Strange, 702, where a person had been indicted for selling meat on a Sunday, and it was ruled not to be an offence indictable at common law. The ecclesiastical law indeed required that every person should attend divine service on Sunday, and it was consequently expected that they were to behave with decency and decorum at church, and it would evidently be a great breach of decency to make contracts about buying horses when in church, and when one's mind ought to be directed to other subjects. The Jewish law indeed made void all contracts entered into on the day of their Sabbath, with a rigour that had not been adopted in this country.—Whether or not the plaintiff had been guilty of any offence against the ecclesiastical law, in sellling the horse on a Sunday, still that would not annul the contract.

Sir James Mansfield.—" Certainly, according to the ecclesiastical view of it, a man's mind could not be supposed to be abstracted from worldly affairs, and properly engaged in devotion, when he was thinking about selling his horse for 100 guineas. The old cases in Crook,

Crook, Eliz. declaring that actions might be illegal, and yet not void, would not be considered as law at present, as every day's experience proved, in the cases of sales of smuggled goods."

Mr. Serjeant Best said, that he meant to contend that every thing was lawful which was not prohibited expressly by some law. The Act of Charles the Second could not be meant generally to embrace all professions; for the Lord Chancellor may now exercise the important duty of putting the Great Seal to a Patent on a Sunday, and he did not conceive that the conferring a new title could be said to be an act of much greater necessity than selling a horse. There was an act passed in the reign of James I. to prevent shoemakers from exposing their goods to sale on a Sunday, and imposing severe penalties on them for so doing. This act, however, as well as the act to prevent drovers from driving their cattle on that day, shewed that it was not an offence at common law, or otherwise there would have been no occasion for the statute. Formerly fairs of cattle used to be held on a Sunday. The learned Serjeant then argued at considerable length, that what those statutes meant to prevent, was the indecorum of the public exercise of trades on a Sunday, and the disturbance that it might occasion to those who wished to pass their day for those purposes to which it is peculiarly set apart; but that a private sale did not come within their meaning, and that the goods so sold could not be said to be exposed to sale, as mentioned in the statute.

Mr. Serjeant Shepherd said, that that part of the Jewish law which was contained in the Ten Commandments was completely adopted in the Christian code, and the Fourth Commandment would always be considered obligatory in every Christian country. His learned friend had appeared to consider, that, until the passing of those statutes, no other offence existed. The words of the statute, were, however, different, for it began by stating: "Whereas abominable offences are committed against Almighty God and the Saints, by the profanation of the Lord's Day, therefore, be it enacted," &c. Although the act enacted additional penalties and prohibitions, yet the practices which it meant to suppress, were illegal before that time. If the law was against exposing to sale, and all the other things which were to bring about a sale, they must be against the sale itself. The learned Serjeant then contended, that Hull, the horse-dealer, was, in the strictest sense of the word, a tradesman exercising his trade upon the Lord's Day, and that the lending the horse out for trial, and then selling him, was to all intents and purposes exposing it for sale, and directly within the meaning of the words of the statute of Charles II. On the other point of the case he also contended, that the evidence of Hull did not prove a sale.

Mr. Serjeant Bailey followed on the same side.

Sir James Mansfield said, that as to the sale of the horse, if Hull's testimony was to be believed (and the jury had believed it) there could be no doubt that there was a sale. As to the other point, about the sale being void, as having been made on a Sunday, that was a new point, and the Court would consider of it.

SIN-

SINGULAR SPORTS AT THIS SEASON.

AT Ramsgate, they begin the festivities of Christmas by a curious procession: a party of young people procure the head of a dead horse, which is affixed to a pole about four feet in length; a string is affixed to the lower jaw, a horse cloth is also attached to the whole, under which one of the party gets, and by frequently pulling the string, keeps up a loud snapping noise, and is accompanied by the rest of the party, grotesquely habited with hand bells: they thus proceed from house to house, ringing their bells, and singing carols and songs; they are commonly gratified with beer and cake, or perhaps with money. This is called, *provincially*, a Hodening, and the figure above described a Hoden or Woden Horse. Is the above a relick of a festival to commemorate our Saxon ancestors landing in Thanet, as the term Woden seems to imply? perhaps some of your readers can clear this up. It is, I find, general on the Isle of Thanet on Christmas eve, and as far as I can learn, no where else.

The following whimsical custom takes place annually, on the 24th of December, at the house of Sir J. Halt, Bart. of Aston, near Birmingham. On this day, as soon as supper is over, a table is set in the hall; on it is placed a brown loaf, with twenty silver threepences stuck on the top of it, tankards of ale with pipes and tobacco; and the two eldest servants have chairs behind it, to sit as judges if they please. The steward brings the servants, both men and women, by one at a time, covered with a winnow-sheet, and lays their right hand on the loaf, exposing no other part of the body. The oldest of the two judges guesses at the person, by naming a name, then the younger judge, and lastly the oldest again. If they hit upon the right name, the steward leads the person back again; but if they do not, he takes off the winnow-sheet, and the person receives a threepence, makes low obeisance to the judges, but speaks not a word. When the second servant is brought, the younger guesses first and third, and this they do alternately till all the money is given away. Whatever servant has not slept in the house the preceding night, forfeits his right to the money. When the money is gone, the servants have full liberty to drink, dance, sing, and go to bed when they please.

At Bromley-Pagets, near Tutbury, is a remarkable sport on New-Year's-day and Twelfth-day, called the Hobby-horse dance, from a person who rides upon the image of a horse, with a bow and arrow in his hands, with which he makes a noise, and keeps time with the music, which six men make, who have the representation of rein-deer heads, on their shoulders. To this Hobby-horse belongs a pot, which the Reeves of the town fill with cakes and ale, and toward which the spectators contribute for the entertainment of the poor.

J. J. B.

RINGTAIL.

AT Noseley Hall, in Leicestershire, is a portrait of a mare, the history of which is entitled to a notice among the racers, &c. recorded in our periodical Miscellany. Her name was Ringtail, and belonged

longed to Sir Arthur Hesilrige, who bought her from a miller, in 1727, for the sum of fifty shillings. The animal, though then only rising three years, had been used by the miller in his business; but the new proprietor of her, observing that she possessed much blood, ran her the next year at a race, and she won the plate. In subsequent races she won twenty other prizes, and afterwards won the gold cup at Morpeth races in 1733. After this period she won thirteen other prizes, to the value of 1,000l. On the picture is recorded her pedigree at large, and she is there called a galloway, being only thirteen hands two inches high.

AMERICAN DUELLING.

ON the 23d of September, a duel was fought at Norfolk, America, between Captain Gordon, of the Chesapeake, and Dr. Starke, in consequence of a dispute on Commodore Barron's conduct. Several shots were exchanged, and the affair terminated by Dr. Starke receiving a wound through the arm, from Lieutenant Crane, Captain Gordon's second.—This, an Irishman might say, is *a singular duel.*

The following correspondence on this extraordinary duel is given in one of the American papers:—

To the Editor of the Norfolk and Portsmouth Herald.

"SIR—I perceive in your paper of this day a communication, stating, that 'a meeting had taken place between Doctor Starke and Captain Gordon, in consequence of a dispute on the subject of Commodore Barron's conduct. Several shots were exchanged without effect. The affair terminated in the Doctor's receiving a wound in the arm from Lieutenant Crane, the friend of Captain Gordon!'—It is obvious that the intention of the author of this piece was to injure my reputation, and that too in a mean and dastardly way; for although what he states is truth, he has not stated the cause of my firing. It is as follows:—There was a particular stipulation between the parties, which was communicated to them when they took the ground, that if either of them fired before they should receive the word, the friend of the gentleman fired on should immediately shoot him. Dr. Stark fired before the word, and I did my duty.—Writing, Sir, is not my profession. I have no wish to be engaged in newspaper contentions. Should any thing further be published on this subject, I hope the authors will add their names.—As the communication was made through your paper, I expect, and have no doubt, you will have the justice to give this a place. I am, Sir, your obedient servant,

"W. M. CRANE.

"*United States frigate Chesapeake, 24th Sept.* 1807."

To the Editor, &c. &c.

"SIR—As the friend of Dr. Stark, in his affair with Captain Gordon, I conceive it my duty to remove any unfavourable impression that the statement of Lieutenant Crane may have made on the public.—We agree as to the stipulation, 'that if either of the principals fired before the word was given, the friend of the gentleman fired on had the privilege of shooting him.' But I am confident that Dr. Stark did not fire until the word

word was finished; it was a second or two before Captain Gordon discharged his pistol, and immediately called out, 'you have fired before the word.'—Lieutenant Crane then levelled his pistol and shot my friend, at the same time speaking in the most insulting manner.—Can any person suppose for a moment, that a man, who had stood six fires before, would attempt to take such an advantage at the seventh? No, Sir, it cannot be credited. Besides, Captain Gordon might have retained his fire so as to take better aim. I shall now leave the public to judge between the parties, premising, that when Dr. Stark recovers from his wound, a full and candid statement of facts shall be laid before them.—I am, Sir, your obedient servant,

"A. J. M'Connico.

"*Norfolk, Sept.* 28, 1807."

TRIAL OF LIEUTENANT M.

FOR

SHOOTING AT CAPT. MARTIN.

BOMBAY, MAY 2, 1807.

THE prisoner was indicted before Sir James Mackintosh, for wilfully and maliciously firing a pistol at Captain Martin, of the Company's service, in the regimental mess-room at Poonah, whereby he was deprived of his sight.

The Hon. the Recorder (after hearing the evidence) prefaced his recapitulation of the evidence to the Jury, by observing, that a criminal Judge had at all times a painful and invidious duty to perform, but that he had never felt it more painfully than on the present occasion. But whatever feelings of commiseration for the unfortunate young man at the bar might arise in the hearts of his Judges, the interests of society, entrusted to their guardianship and protection, were of too important and sacred a nature to be sacrificed to any feelings, however amiable. Both he and the Jury had sworn to discharge their duty to their country, and they ought to keep in mind the evil consequences which might ensue from the example of such a crime (if, indeed, the Jury should believe the prisoner to have committed it) being suffered to pass with impunity; such an impunity would put to hazard the decorum, harmony, and security of society, and would tend to convert the assemblies of officers and gentlemen into desperate meetings of bravoes and assassins. But, notwithstanding this, if any doubt existed, either as to the law or the facts of the case, the prisoner was entitled to the benefit of it, and the Jury would take care to enforce his claim. The learned Recorder here read the words of the Statute on which the prisoner was indicted, and then observed, that two things were necessary, and must be proved to the satisfaction of the Jury, to constitute the offence under this Act of Parliament, namely, the fact of shooting at the person mentioned in the indictment; and, second, there must be wilful and malicious shooting. He then proceeded to read the whole evidence, and in the course of the recapitulation adverted to a trifling contradiction in the testimony of the two gentlemen who had been examined, respecting the prisoner's being called to order by the President, Lieutenant Sealy, which Mr. Boyers had sworn to, but which Mr. Sealy did not recollect: it was possibly the Vice-President who had called the

 prisoner

prisoner to order, and the fair and candid manner in which both the gentlemen had given their evidence, precluded any other inference from so slight a difference of testimony, except that it must have arisen from mistake in one or the other of them, fairly attributable to the confusion of the scene. He likewise commented at some length on that part of the evidence respecting the relative situations of the prisoner, Mr. Eckford, and Captain Martin, from which he inferred, that it was impossible that Eckford could have been the person aimed at.—He also observed, that the expressions of the prisoner, as to his intention of shooting himself, might be regarded by the Jury as marking the incoherent and distracted state of his mind at the time, and that it was not absolutely necessary for them to consider this declaration, with a view of ascertaining whether it was to be believed or not. The learned Judge having recapitulated the evidence, proceeded to state the law as applicable to this case. There were three points, or perhaps four, necessary to be considered. In the first place it was for the Jury to say, whether there was any aiming at Captain Martin. The law did not require a deliberate aim to be taken: it mattered not whether the pistol was levelled for a short or a long time; a momentary levelling was sufficient: it was enough if the direction of the weapon was not accidental; now as to the fact of aiming at Captain Martin, the evidence was direct and circumstantial.

Captain Boyers speaks positively to the pistols being levelled in the direction of Captain M. and the testimony is confirmed by the wound which Captain M. received, by the shot which were lodged in the wall behind him, and by the circumstances attending Mr. Eckford's wound; unless, therefore, the prisoner could shew that something diverted the course of the pistol so as to make it by chance take the direction it did, it appeared to him, that the conclusion was inevitable, as to the fact of the prisoner aiming at Captain Martin.

In the second place, the shooting at the party must be a malicious shooting. It was not necessary that any particular malevolence against Captain M. should appear; if the prisoner had been instigated by malice against the whole party, or any one of them, and had killed Martin, it would have amounted to murder in case of death. It would also be sufficient, if it appeared that the prisoner was actuated by that general malice which the law supposes to exist, wherever there are indications of a desperate disregard of human life, or of a general carelessness and negligence in doing any act from which the death of a fellow-creature might probably arise. Indications of this sort, if the jury thought that such appeared in the present case, it was his duty to tell them were not excused by the intoxication of the prisoner; supposing that fact to be established, the law regards drunkenness as no excuse; if a man be deprived of his reason by the act of God, he is not held responsible to human laws for his conduct during his insanity, but if, by any act of his own, he deprives himself of the use of his reason, he must answer for the consequences; a contrary doctrine would be attended with the most pernicious effects to society, for a man in that case might deliberately plan a scheme of villainy, and wanting boldness to

carry

carry it into effect when sober, might save himself from the penal consequences of his guilt by executing it in a state of artificial courage produced by intoxication.

The next question for the jury to consider was, whether there was any sudden passion in the case, which, in the event of death having ensued, would have reduced the homicide to manslaughter—the law says, that if a sufficient time elapses between the provocation and the killing, it is murder—it is impossible for any law to say what precise time shall elapse, but if there appears to have been any brooding over revenge, any such reasonable space for passion to subside, as is observed in general to allay its fury in men of ordinary sense and humanity, the law admits not of the provocation as any apology for the crime—this rule is founded on the wisest principle; for that which chiefly distinguishes a good man from a bad one is the different duration of the influence of passion over the minds of both; the one is placable, but the other perseveres in the indulgence of his rage; the one listens speedily to the dictates of reason and moderation, the other continues deaf to all they can urge. The disposition to brood over real or supposed injuries till resentment degenerates into revenge, the implacable and vindictive spirit which forbids anger to subside in the period which usually calms its rage, form themselves that malice which makes a killing to be murder, and shooting at to be a capital felony under this act of Parliament. It had, in the address on the part of the prisoner, been urged, that his intoxication did away the inference of deliberation from the lapse of time, and, therefore, that the cause was to be considered as if no time had elapsed between the provocation and the act.—The learned Judge, however, said, he was bound to repeat to the jury, painful as the task was, that the intoxication of the prisoner formed no excuse for any part of his conduct in the eye of the law—so great was the danger of allowing such a defence, that it was necessary to exclude that circumstance from our consideration altogether. If drunkenness could reduce a killing from murder to manslaughter, the assassin would easily purchase the gratification of his satiety at the expence of a punishment so slight, that in such atrocious cases scarcely to differ from that of the impunity.

The jury, after retiring about an hour and a half, returned with a verdict of *guilty*, but strongly recommended the prisoner to mercy.

FAULKENER, A TRAGEDY.

DRURY-LANE THEATRE, DEC. 16.

THIS new Tragedy, reported to be the production of Mr. Godwin, was performed the first time, this evening.

DRAMATIS PERSONÆ.

Faulkener .... Mr. Elliston.
Count Orsini ...... Mr. Powell.
Stanley .... Mr. H. Siddons.
Benedetto .... Mr. Palmer.
Countess Orsini .. Mrs. Powell.
Lauretta .... Mrs. H. Siddons.

The following is the outline of the story.

Faulkener is the son of an officer, who was killed in the service of King Charles II. at the battle of Worcester. His mother, the officer's widow, in soliciting assistance from the youthful King, pleased his fancy, and he succeeded in seducing

seducing her. On this the friends of Faulkener took him from his mother, and bred him up in ignorance of her. The mother having quickly repented, retired to live in privacy; where, having some time after met Count Orsini, an Italian nobleman, she married him, he not knowing her history.—The play opens with Faulkener, arrived at manhood, being resolved to seek his mother, of whom he had never been allowed even to speak; and the interest arises from his endeavours to find her, and her anxiety to avoid being discovered, lest her husband should learn her former deviation from virtue. Lauretta, a mistress of Count Orsini, discarded on his marriage with the mother of Faulkener, is acquainted with the circumstance, and labours to bring the affair to light. She writes an anonymous letter, which brings the youth to Milan, where his mother then was; but various accidents prevented their meeting. After some time, he is conducted by Benedetto, a confederate of Lauretta, to Florence, the fixed abode of Count Orsini. Benedetto undertakes to shew to Faulkener his mother, and leads him to a masquerade, where Lauretta, as a witch, addresses him, in obscure terms, on the subject of his pursuit. He here recognises his mother, but is accidentally separated. Benedetto, in another meeting, so irritates Faulkener with insinuations against his mother, that Faulkener draws on him, and Benedetto is killed. Flying from the consequences, Faulkener chances to enter the garden of the Orsini palace, and even penetrates to the bed-chamber of his mother. She is confounded with his appearance, but finds means to persuade him that she is not his mother, and that his mother had been long dead. Faulkener is taken, and is to be brought to trial. In the mean time, Stanley, the warm friend of Faulkener, being persuaded by Lauretta that the Countess seeks her son's death, acquaints the Count of all that he knew of the Countess's conduct. The Count, indignant at this calumny, as he thinks, against his wife, fights with Stanley, and is killed. But the Countess, finding her son in danger, instead of wishing his death, had resolved to save him, by making known the arts of Lauretta and Benedetto, even though it exposed her own disgrace. Having in this manner saved her son, she finds, on her return, her husband killed, and thus has cause for lasting regret at the folly and guilt of her youthful error.

This performance bears some marks of genius. There are several scenes exquisitely wrought, and there are many situations where the performers have occasion for the display of all their sensibility and feeling. But Mr. Godwin has not combined the whole with judgment; and in compliance with the taste of the times, has mixed up the glare, the dance, and the folly of a masquerade, with one of the most affecting incidents of his tragedy—Faulkner's first discovery of his mother. The repetition too of the duel, thus embruing in blood the hands of his hero, and of his friend, was extremely disgusting. Some of the lesser incidents are not well managed, particularly the trial of Faulkener, which is made almost ridiculous; and the piece in general, during the fifth act, grows languid, and does not wind up with an energy and pathos sufficient to leave a due impression on the audience.

The

The table, we are told, is borrowed from De Foe's Novel, entitled, *Roxalana ; or, the Fortunate Mistress.*" But the child, whose longing after its unknown parent forms the interest of the piece, and produces the catastrophe, in De Foe, is a daughter ; in Godwin, it is a son. The Epilogue was prettily delivered by Mrs. H. Siddons, whose gentle and amiable manners, it is proper to remark, were but ill calculated to represent the cruel and artful Lauretta.

It was given out for a second representation, but the third night finished its career.

RESOLUTIONS
FOR THE YEAR 1808.

" Resolve—then re-resolve—and die the same." *Young.*

THE commencement of a new year generally gives birth to a variety of new resolutions in almost every human breast. There are, I am afraid, but few people who can contemplate the past twelve months with so much satisfaction, as to wish a repetition of their conduct in all its parts, and such is the ardent desire of mankind to increase their worldly advantages. It must, nevertheless, be confessed, that in almost every one of this description their resolutions are accompanied with an *If:* so true it is, that " there is much virtue in an *if*"—as thus :—

I am resolved, says my *Lord*, this year to have an Earldom—*if I can get money.*

I am resolved, says my *Lady*, this year to rival the three Duchesses in splendour—*if I can get money.*

I am resolved, says the *Man of Fashion*, this year to get into Parliament, increase my equipage, give grand dinners, and every where sport my consequence—*if I can get money.*

I am resolved, says the *Lady of Fashion*, this year to have card parties, give routs, take a box at the Opera, and be the high priestess of the ton—*if I can get money.*

I am resolved, says the *Wou'd-be-Sportsman*, this year to keep a groom and a brace of geldings—bet high at Tattersall's, attend Newmarket, York, Epsom, and Egham Meetings, and, as a *knowing-one*, fleece the flats—*if I can get money.*

I am resolved, says the *Shop-keeping Buck*, this year to keep my gig and my girl—to kick up the devil of a dust in Rotten-row, and to keep clear of the Gazette—*if I can get money.*

I am resolved, says the *Tradesman's gay Wife*, this year to take Sunday jaunts to Windsor, Richmond, and Hampton Court—to visit the watering places, and cut a dash at the City Assemblies—*if I can get money.*

I am resolved, says the *Bond-street Lounger*, this year, instead of walking, to sport a curricle and pair—*if I can get money.*

I am resolved, says *the Box-Lobby Lounger*, this year to parade the Theatres every evening—frighten the modest *Misses*—dash at the *demireps*, and be d—d jolly in the watch-house—*if I can get money.*

I am resolved, says the *Female Lounger*, this year to be in the very pink of the mode, and to cut a figure, either *clothed* or naked, in every public place—*if I can get money.*

I might follow this *ad infinitum ;* but enough. We see that almost all the world—our world—are in the

the pursuit of that which is said to be the root of all evil, and that, when acquired, nearly every one wishes to make, if not an evil, at least a foolish use of it. The reflexion is, therefore, by no means vexatious, which assures us, that very few of these resolves are likely to be accomplished, for it is pretty evident, that a life of gaiety, and a desire to shine, are not the ways to *get money.*

J. J. B.

January 1, 1808.

THE HIGH-METTLED RACER.

DIBDIN's much-admired song is at this time nearly verified in the fate of the late Mr. Broadhurst's favourite, *Mendoza*, by Javelin; dam by Paymaster, out of Pomona, by King Herod.—In the years 1791, 2, and 3, when, "pampered, proud, and elate," he won several stakes and matches at Newmarket*, for considerable sums.—He afterwards became a very capital hunter in the Duke of Leeds's stud, and at the close of many a hard run, "the high-mettled racer was in at the death."—The transition (if we may be allowed the comparison) is uniform with numerous instances of sublunary greatness; for though formerly well qualified to start for Royal Plates, he has for some years, "with harness sore galled," run, and still continues to run, in the Royal Mail Coach between Catterick and Greta Bridge, in the county of York, with great spirit, and "yet with some blood." Mendoza is now in his nineteenth year, and blind.

Mr. Garforth's *Young Pacolet* ran for several years, though blind, in the Royal Mail Coach betwixt York and Ferry-bridge, a distance of twenty-three miles; and very often went forward, on the same night of returning to York, with the mail to Thornaby, fifteen miles, on the north road from York—And Mr. Stapleton's *Parlington* ran for some time in a coach on the south road.—Pacolet and Parlington ran *five* four-mile heats for the Give-and-Take Plate at York, in 1784.

SPORTING ASSAULT.

COURT OF KING'S BENCH, NOV. 26.

WILLIAM Williams, Esq. a gentleman of property, was brought into Court to receive judgment, for an assault on Mr. Edward Abby, at Doncaster, on the race ground, at the time of the races there. The misunderstanding arose between the parties on account of a wager, which Mr. Abby alledged he had won of Mr. Williams, and claimed of him 20l. having laid 6 to 4; Mr. Abby insisting it was six five pounds to four five pounds; whereas Mr. Williams considered the bet only 6l. to 4l.; upon which the parties gave each the lie, and Mr. Williams struck Mr. Abby a blow so violent, that the blood gushed out of his ears.

The sentence of the Court was, that the defendant do pay to the King a fine of 25l. which he paid immediately, and retired.

* In 1791, Mendoza won twice 100gs, two fifties, 90gs. and 50gs.; in 1792, he won 50l. 500gs. and 300gs.; and in 1793, he won 500gs.—all at Newmarket.

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THE EARL OF KINGSTON AND CAPTAIN HAY.

IN the reports of motions for granting rules for shewing cause why Criminal Informations should not be made absolute in the Court of King's Bench, the colouring of Counsel employed to make such motions is often so remote from the truth, that the person against whom it is made is ultimately proved, on shewing cause, to be more sinned against than sinning. How far this was the case in the affair between Lord Kingston and Captain Hay, our readers will judge from the following reports of the MOTION and ANSWER.

COURT OF KING'S BENCH, Nov. 19.

The Attorney General moved for a rule to shew cause why a Criminal Information should not be filed against Captain Philip Hay, for giving a challenge to the Earl of Kingston.

The affidavit stated, that Captain Hay, during the rebellion in Ireland, was in the service of the rebels.—Lord Kingston was taken prisoner by them, and during his confinement Captain Hay, who was then serving with the rebels, knowing Lord Kingston's interest might be of service to him, treated him with great kindness.—Captain Hay was afterwards tried by a Court Martial, and acquitted. He afterwards applied to the Commissioners for compensation for the loss which he suffered in the rebellion. Lord Kingston wrote a letter to Lord Hardwick, which gave great offence to Captain Hay. He afterwards met Lord Kingston, and accosted him by saying, I believe I speak to Lord Kingston. His Lordship answered, that he was Lord Kingston. Captain Hay replied, these are my friends, meaning two gentlemen who were with him. You are, I believe, Captain Hay. Captain Hay answered, I am Captain Philip Hay, of the 18th Light Dragoons; and as you have calumniated my character, I have a right to demand that satisfaction which one gentleman ought to have of another. Lord Kingston asked, whether he meant to challenge him? to which he said, he meant to have satisfaction or an apology. Lord Kingston said that he should make no apology, for that he had been guilty of very improper conduct—he had demanded compensation for losses by the rebellion, when he was in fact a rebel.

Rule to shew cause granted.

In the same Court, November the 27th, Mr. Park shewed cause against the above rule, when he read a very long and distinct affidavit of the defendant as follows:

Captain Hay's affidavit stated, that he was the son of a gentleman in the county of Wexford, in Ireland; and in the year 1790, when he was thirteen years of age, he went abroad, and continued absent for five years, having been honoured with an Ensigncy; that he was sent in the expedition, commanded by Sir Ralph Abercrombie, against St. Lucia. From the time he had first gone abroad, he had not been in Ireland, till the year 1796, when he was there eight days, in order to recover some property devised to him by his father's will, which an elder brother disputed with him. He returned again in April, 1798, and recovered his property. The Commander of a Volunteer Corps was his curator.

On the 26th of May, in that year, the rebellion broke out in the county of Wexford, and upon that occasion he took every opportunity of employing himself advantageously, in endeavouring to reclaim to their allegiance as many of the tenants in that county as were corrupted and deluded, and in training those who were loyally disposed. By his exertions, about 240 persons took the oath of allegiance to his Majesty, and a great many stands of arms were delivered up, and many persons became faithful servants to the Crown. There were many instances in which he fought against the rebels; and particularly when they attacked the house of a Mr. Richards and his family, he assisted in repelling them, when the rebels fired upon the loyalists. At length it was determined to evacuate the town of Wexford, and some of the army had to make their escape on board a ship, which was soon afterwards captured, and they were made prisoners; and he, amongst others, was taken into the custody of the rebels themselves, where he continued for eleven days. Under these circumstances, he had been represented as having been an active commander in the rebel army. What gave rise to this, however, was, that he was soon recognised by the rebels as having been in the army, and they threatened to put him to death, unless he would join them—they would put a spit to his throat, unless he put a sword at his side, and would act in conjunction with them. There was evidently no other alternative left for him but to dissemble, and appear to join them, until such time as he could actually make his escape.—During the time of his remaining in custody, the Earl of Kingston was also made a prisoner. He apprised him (the Earl) of his intention to escape, and told him, that if he got away, he would give information to his friends as to his situation. While he remained in custody, so far from his being actually a zealous commander amongst the rebels, he was, on the contrary, an object of suspicion amongst them, and scarcely a day passed over without his being threatened. During his imprisonment, he repeatedly conversed with those loyalists in whom he could confide his real situation, in order that they might be witnesses of his intentions.

At length he found his way to the out-ports, and having taken the green bough out of his hat, he made off, but was fired after by several of them. He immediately waited upon Lord Tyrone, at Waterford, and gave him information concerning what had happened to him, and also Brigadier-General Henniker, at Cullen-Bridge, and from thence proceeded to Dublin Castle, where he gave information to Lord Castlereagh, and called upon the late Marquis of Ely, and also upon a Noble Lord, the brother-in-law of the Earl of Kingston, and informed him of his Lordship's situation, and he took such other steps as were incumbent upon him immediately after his being released from his confinement. In short, he suppresed no fact, and concealed no circumstance, but remained in Dublin, notwithstanding these events, unaccused and unsuspected, for a considerable length of time.—At length, being informed that suspicions had been conceived against him, he immediately waited upon Lord Lake, who was then Commander in Chief in Ireland, and entreated, that if he thought there was any reasonable cause for impeachin

peaching his character, he might be brought to trial by Court-Martial. Lord Lake, so far from thinking that his conduct was improper on this occasion, refused this request, and told him he was above suspicion. Finding these reports still prevailing, however, he persisted in being tried by a Court-Martial, an event which accordingly took place on the 23d July, 1798. The Court was composed of gentlemen of the first respectability, and the President, Lord Ancram. The crime with which he was charged was that of being in arms against his Majesty. The Court was engaged eight days upon this enquiry, and many witnesses were brought forward from Wexford. The Court, after maturely and deliberately considering the evidence, found that the charge of his having been in arms against his Majesty was proved; but it evidently appearing that the prisoner's conduct had arisen from an arbitrary control and compulsion, the Court did unanimously and honourably acquit him.

Immediately upon his return to Dublin, he waited upon Lord Cornwallis, who recommended him to a troop in the 28th Dragoons, in which regiment he served in that year, 1798, to their reduction in 1802. Upon that event, he was again appointed to a similar situation in the 18th Light Dragoons, commanded by Colonel Stewart, the brother of Lord Castlereagh.

During his confinement with the rebels, his house had been robbed by them, and he consequently made that claim for idemnification, which he thought he had a right to do, and received 100l. from the Commissioners, as the value of the articles taken out. The Earl of Kingston, upon hearing of his application, petitioned these Commissioners to have the matter tried at the Quarter Sessions, at Wexford, although it was not easy to see how that Court of Quarter Sessions could have any thing to do with such a question. He applied to a Mr. Burroughs, and another Irish barrister, who, as his Counsel, advised him not to submit to any such thing, and expressed their opinion that it was a cruel proceeding against him. At the same time the Chairman and Magistrates of the Sessions refused to try the case, being convinced that they had no jurisdiction to do so. Captain Hay, however, expressed a wish to have the matter investigated in the Court of Exchequer, although the Earl of Kingston had represented him as having refused to have the matter tried by any Court. This, however, was expressly denied, by its having actually been investigated, by the Court quashing the proceedings, and expressing their detestation at such a prosecution, and at the wasting of the public money, which had been for the purpose of making good the loss to loyalists; and also intimated in strong terms a censure of such cruel proceedings against him. It further appeared, that the Earl of Kingston had taken upon himself to hand a statement of these facts to his Royal Highness the Duke of York, and a reference being consequently made to Marquis Cornwallis and Lord Castlereagh, a correspondence was thereby produced, in October, 1803, which tended to shew that the circumstances had proved so satisfactory to Captain Hay's character and conduct, that his Royal Highness was convinced that the charge was entirely unfounded. This satisfactory information was formally communicated to Captain Hay. This

was four years after the Court Martial, and no less than three years from the present time. Lord Castlereagh was then, in the knowledge of these facts, and in 1805, a similar representation had been made to Lord Cathcart.

In the interval since 1805, the Earl of Kingston had continued to represent Captain Hay, as a rebel, and "that the hangman was the only person fit to deal with him;" a conduct which was for the purpose of ruining this defendant's character. But he (Captain Hay,) had been prevented during that period from taking any steps to stop these unfounded calumnies, as the powers of the Commissioners were still in force, and the matter left open, the Earl of Kingston having offered himself as a principal witness against him. The Earl of Kingston had accused the defendant of having headed the rebels at Goree Bridge, and having been the means of their success, although he (Captain Hay) afterwards proved, that he had actually dined with the Earl of Ely when the battle alluded to took place. As to the meeting which took place in Portland place, upon the 8th of October, which had been alluded to by the Earl of Kingston, in his affidavit, the circumstances were fresh in his recollection, and he could give a different statement of them from that which the Noble Earl had done. He had called upon the Noble Earl that day, accompanied by two friends, missed him, but afterwards met him in the above-mentioned street. He (Mr. Park) had procured the affidavit of Mr. Carey, an officer in his Majesty's service, and the reason why he had not procured one from Mr. M'Hugh, the other gentleman, was, because the rule having been so lately applied for, and that gentleman being now at St. Asaph, in North Wales, it was impossible to procure it in sufficient time to produce in shewing cause against the rule. Captain Hay had, however, written to that gentleman to come up for that purpose; but the affidavit of Mr. Carey, however, confirmed every thing in his, the defendant's, own statement, of what passed on that occasion. Both the defendant and that officer concurred in saying, that he never challenged the Earl of Kingston till after some very scandalous words had been used by the Noble Earl.

On his meeting the Noble Earl, he accosted him, and told him that he had been calling upon him, and wished to have some conversation with him, in the presence of these two gentlemen, who were his friends, and asking him, at the same time, if he was disposed to retire to some more private place? To this the noble Earl answered, that place would do well enough; and then he (Captain H.) informed him, that he had heard what he, the Noble Earl, had said about him. The Noble Earl then repeated what he had formerly been alledging, that he, Captain Hay, had been guilty of a swindling transaction, in endeavouring to get compensation for his alledged losses, as a suffering loyalist. Captain Hay replied, that he did not wish to be informed as to what he had done in that affair, being perfectly acquainted with it already; but he principally wished an explanation of the language which he had used elsewhere, and some apology for the word swindling, which he had just then uttered. To this the Earl of Kingston replied, that he would make none, that he had been to the Duke of York, to state the circumstances he knew, concerning his,

his, Captain Hay's conduct, adding at the same time, "that in his, the Earl of Kingston's opinion, the only person fit to deal with him was the hangman." This affidavit further stated, that the Earl of Kingston had used several expressions formerly to Colonel Stewart, Lord Castlereagh's brother; he (Mr. Park) had an affidavit of that gentleman, (Colonel Stewart,) stating that such expressions had been made use of in his presence, and that it was his duty to inform Capt. H. of them. And indeed, it appeared, that in every company the Earl of Kingston had expressed himself in similar injurious expressions towards the defendant. Capt. Hay then said to him, that his assertions were as false and malicious as ever; and added, "I now demand that satisfaction from you, which is due from one gentleman to another." Upon this the Noble Earl said, "Do you mean to challenge me?" Captain Hay answered, "that he certainly did mean to do so." The Earl replied, "I will not meet you, as I do not consider you a fit person to encounter, as you have evaded answering to the investigation of the swindling transaction, of which you have been guilty, and knowing that you are actually a rebel. I shall wait upon the Duke of York and state the facts, and take such proceedings against you as are necessary for the challenge which you have given." Upon this they parted, and Captain Hay's parting words to the Earl of Kingston, were, "I have found you in infamy, I leave you in it, and I have done with you."

From these facts he (Mr. Park) trusted he should be able to shew, that the defendant had not given the Earl any challenge, till such time as the words swindler, hangman, and other provoking language had been used. Mr. Carey's affidavit stated, that he had known defendant from his infancy, and was convinced that he was as loyal, brave, and meritorious a subject, as any in his Majesty's service.—Colonel Stewart was also a deponent before their Lordships, and stated that he had known the defendant for seven years, and considered him as a most loyal officer, gave him the best of characters, and that in several interviews with the Earl of Kingston, he had heard the Earl abuse Captain Hay, in gross terms, and, upon one occasion, say, that he would not come to Dublin, because he (Captain Hay) was a notorious rebel, and that he would prosecute him to the utmost extent of his life and fortune; and that at Sir Eyre Coote's he heard the same Noble Lord abuse the defendant before a large party of officers, and others, and impressing upon the company that he was a rebel and a traitor; adding, that the Earl assigned as a reason for his not coming forward to give evidence upon his trial, that a brother of Captain Hay had saved his (Earl Kingston's) life. Colonel Stewart's affidavit further went on to state, that, at another interview betwixt him and the Noble Earl, at Charing, he (the Earl) renewed his observations upon Captain Hay, and said, that, Hay was a man of such a character, that he would not meet him, were he to challenge him, but he would meet any other man he might choose to send to him. This, said the learned Counsel, was the oddest kind of morality he had ever heard of, when it was considered that these expressions proceeded from the man who came into Court for the purpose of beseeching their Lordships to punish in another the offence of challenging.

The

The learned Counsel concluded his very full and perspicuous statement of the facts, by observing, that it was of the utmost importance that the real circumstances of this case should be made known to the world, by being fully detailed for their Lordships' consideration and judgment. He had not kept back any thing that was of consequence on either side, and under this impression, he hoped that their Lordships would see sufficient cause to discharge this rule.

Mr. Marryatt followed, on the same side, enlarging and further illustrating the statement of facts.

The Attorney General then addressed their Lordships in support of the rule, and particularly alluded to one point which was forcibly dwelt on by the learned gentleman who preceded him, namely, that this application was totally unnecessary, as the challenge in question had been given after the Noble Earl had used certain expressions, and the more especially as Captain Hay had told him, that he had "left him in infamy, as he had found him, and that he had entirely done with him." Although it had been stated, that the filing of an information under such circumstances was not to be considered as a matter of course, and that it had been repeatedly refused by their Lordships in cases of libels, where it was shewn that great provocation had been given, yet he hoped he could shew to their Lordships, that, in cases of challenges, it had never been refused upon any evidence of provocation. It was for the mere circumstance of giving the challenge that this particular application had been made, and a circumstance which every affidavit tended to prove, and which the defendant himself did not affect to deny. He then took a short view of the facts, as detailed in the foregoing affidavits, and endeavoured to shew, that the defendant, in giving this challenge to the Noble Earl, had acted with the utmost deliberation, and with an avowed hostility. He did not mean to say, that the language used by the Earl of Kingston was perfectly correct; but it was sufficient for him to prove that Captain Hay had called upon that Noble Lord with an express intention of challenging him. The question was, how far had Captain Hay taken the course of justice into his own hands? Many of the facts, therefore, which were stated in Captain Hay's affidavits, did not at all bear upon the circumstances of this motion. No instance having occurred where the Court had refused an information for a challenge, he hoped their Lordships would act upon similar principles; and how much soever the conduct of a prosecutor in other cases might tend to mitigate the offence, yet it was entirely to be overlooked in cases of challenging, especially when it was given with such deliberation, and at an unexpected meeting.

Mr. Garrow and Mr. Knapp followed on the same side.

Lord Ellenborough then observed, that in this case it was evident the defendant certainly meant to do what he did; that is, to challenge the Earl of Kingston. There were, certainly, however, various circumstances to be taken into consideration; such as the imputation which the Earl of Kingston had cast upon the defendant, as to his having been guilty of a swindling transaction; and the gross language which he had used, as to the only person fit to deal with him being the hangman. He did not wish it

to be understood, that it was a universal or general rule for the Court to grant an information for a challenge under all circumstances. In the case of the King *v.* Hankey, the Court had expressly refused an information for sending a challenge to a party who had himself evinced a disposition to send one. There might be circumstances of irritation that might justify the Court in refusing an information; but in these cases the law was left open to the party who conceived himself aggrieved or in danger, such as exhibiting articles of the peace.

His Lordship then took a concise view of the leading features of the case, and shewed that the provocation which the defendant had received from the prosecutor, was enormous, and more than human passions could endure. Here was a gentleman who had gone to Ireland to visit his estate, at a time immediately preceding the calamitous rebellion in Ireland, to a place where it raged with the greatest violence. He was taken prisoner by the rebels, and resided with them for eleven days. He was appalled, probably with the horrid spectacles to which he was witness; and who, he asked—who would not be appalled, who knew of the dreadful circumstances which took place at Wexford Bridge, where people were suspended upon pikes, and precipitated over the bridge, in the most cruel, savage, and barbarous manner? Even these, it might be said, were not moments in which a man ought to lose his firmness, and, by his conduct, lend even an apparent conformity to such an outrageous rebellion. But it would be applying rather too severe a rule to the infirmity of our nature, to suppose, that a man with a spit held to his throat, should not suffer a sword to be girt to his side, to prevent such an unlawful mode of dissolution. This, however, was the state of the case, as it appeared to have come out before the Court Martial, who sat eight days, and the result of their investigation was, that the fact as to his bearing the insignia of rebellion had been proved, but being evidently an arbitrary compulsion, they dismissed the inquiry, and honourably acquitted him.—It behoved every person of common candour to make that allowance for Captain Hay's conduct, at the time when he was placed in such an awful predicament, which his brother officers had thought fit to make for him. However, it did appear that the Earl of Kingston, the prosecutor, in the full knowledge, not only of that circumstance, but after having had communicated to him the purposes of the defendant, should he make his escape, and stating to him that in case he should fall a sacrifice in making his escape he was not a rebel in heart, and after knowing that he had gone to Lord Mount-Cashel, his brother-in-law, and stated the circumstances of his situation, it would be too much indeed to find him, notwithstanding all this previous knowledge, going on for a period of years, indulging himself in the grossest invective, and calling his former friend a traitor and rebel. It was surely too much to find him saying that he would prosecute Captain Hay to the utmost extent of his life and fortune; and that although he would not condescend to meet him, he was ready to meet any person whom he chose to send to him. It was strange to find the Earl of Kingston saying that he would not imbrue his hands in the blood of a rebel, yet that he would perpetrate

perpetrate such a deed upon any loyal subject whom Captain Hay chose to send to him.

These were the circumstances under which the defendant had called upon the Earl of Kingston, with the avowed purpose either of receiving an apology for his abuse, or of challenging him. The Earl of Kingston had done all he could to bring the defendant to trial for what he called a swindling transaction; he also told him that the only person fit to deal with him was the hangman. Under these circumstances, it surely was evident that this person had been galled to madness by the provocation he had received from the party who was now calling for an information. It did not appear, and he hoped the probability did not exist, that any further dangerous or fatal consequences were to ensue from this unhappy difference; the very last words of Captain Hay having been, "that he had found the prosecutor in infamy, where he left him, and that he had done with him."

Upon the whole, this case displayed facts so much exceeding the ordinary bearing of human prudence, that it could not be said the prosecutor had come into Court with clean hands, but had been himself an aggressor, in having given an extraordinary degree of provocation. His Lordship concluded with saying, that in his opinion the rule ought to be discharged without costs; and with this sentiment the other Judges united.

LOGIE O'BUCHAN,

A CELEBRATED RACER.

LATELY died, in Scotland, the celebrated racer, Logie O'Buchan, by Rockingham, out of Queen Mab, the dam of Oberon, Lethe, Strathspey, Remembrancer, Cassio, &c.

In 1799, Logie O'Buchan, then three years old, won 50l. and 80l. at Manchester, two fifties at Morpeth, and 50l. at Carlisle: after which, he was sold to Robert Fletcher, Esq. for 500gs., and in 1800 he won the King's Plate at Edinburgh, twice 50l. at Montrose, and 50l. at Ayr. In 1801, he won twice 50gs. at Edinburgh, twice 50l. at Dumfermline, and 50l. at Montrose. He was afterwards sold to J. L. Johnstone, Esq. who matched him to run 100 yards, against Mr. Fletcher's black poney, at Lamberton, in July, 1802, for 1000gs. each, which was won by Logie O'Buchan. On the day before, Logie O'Buchan and the same poney ran fifty yards, which was won by the poney: Mr. Johnstone staked 1000gs. to 100gs. The owners rode both races.—Logie O'Buchan also won a purse at Edinburgh. He was afterwards a stallion in Scotland.

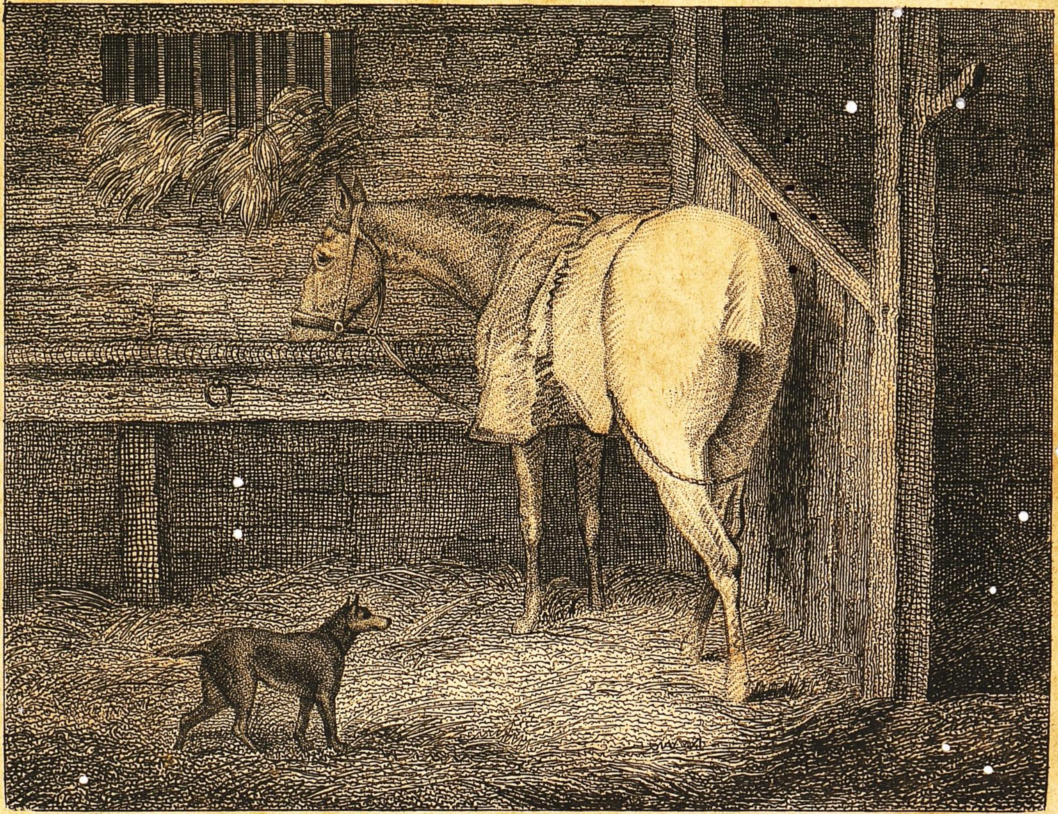
SUDBURY,

AND HIS FRIEND MONKEY.

An Etching.

SUDBURY is a horse, once the property of the late Lord N—k, who had him painted by Mr. Stubbs in 1794, from which picture this etching was taken.

The pedigree of Sudbury is but indistinctly known, but his rare qualities as a hunter have long been the admiration of the gentlemen of the county of Hants, where he has frequently exhibited exploits of the highest credit to himself. But to shew



SUDBURY and MONKEY.

shew that perfection is as rarely to be met with in the quadruped as in our race of bipeds, we present our readers as well with his vicious propensities as his good qualities.

Sudbury's grand fault is, being too much attached to natural liberty, for no sooner is he left to himself than he snaps his bridle, takes to the fields, and outflies his pursuers; for this ill habit the groom was ordered to part with him, and he became the property of Mr. P——s, of Minsted. Sudbury had not been long with his new master, before he shewed symptoms of his old tricks; and one day, when the servant left him at the door of the Anchor public- house, at Redbridge, he broke from his station, and ran off, over Hine's Hill, into the New Forest, and with this intelligence the servant returned to his master. Mr. P——s had for some time observed, that an extraordinary attachment had taken place between an old stable-dog, called Monkey, and his retrograde hunter, Sudbury, which induced him to send Thomas and the dog into the New Forest, with a strict injunction not to come back till he had received some information respecting Sudbury; but night coming on, the young man was forced to return without the horse, and without his canine companion, Monkey. Several days had elapsed, when, as Mr. P. sat at his breakfast table, to his great astonishment he beheld his old dog returning up the lane, merrily skipping before the hunter. The yard gate being fast, Monkey took the lead, and Sudbury followed, entering the stable, where his master found him as if nothing had happened, busy again at the hay-rack and the manger.

ALPHABETICAL LIST OF THE WINNING HORSES, &c. IN 1807.

By ACTIVE.

Years Old. *No. of Prizes.*

5 CHES. Gelding, Mr. Faulkener's, 130gs at Oxford........ 1

By ADMIRAL.

—Navigator, Mr. F. Chaplin's, 100gs, a Piece of Gold Plate, value 50gs, and a Cup, value 50gs, at Burton Hunt, Lincoln Course 3

4 Roan Filly, Mr. Holyoake's, 50l. at Worcester 1

By ALEXANDER (aged 25).

5 Bucephalus, Lord Wilton's, 300gs at Newmarket; Mr. Douglas's, 50l. at Maddington; Mr. Fermor's, the King's Plate at Salisbury 3

4 Julius Cæsar, Sir Wm. Gerard's, 93l. 10s. and 100l. at Pontefract; also the Gold Cup, value 100gs, at Richmond............. 3

—Young Jenny, Mr. T. Duncombe's, 130gs at Malton.......... 1

By AMBROSIO (aged 14).

3 Bay Colt (out of Tuneful), Mr. Wyndham's, 50l. and 25gs at Newmarket 2

3 Black-and-all-Black, Mr. Cave Browne's, 50l. at Nottingham .. 1

Years Old.		*No. of Prizes.*
4	Ches. Filly, (out of Jessica) Mr. Crouch's, 50l. at Newmarket..	1
3	Frances, Hon. B. Craven's, 60gs, 200gs, and 50gs at Newmarket	3
3	Rosario, Mr. Biggs's, 50gs at Newmarket, 50l. at Stockbridge, and 50l. at Winchester	3
	By APOLLO.	
a.	Pope, Mr. R. Peacock's, 60gs at Catterick-Bridge, 80gs at North-allerton, and 60gs at Richmond	3
	By ARCHDUKE (aged 11).	
3	Archduke, Mr. Loftus's, 100gs at Newcastle	1
3	Dreadnought, Mr. Nalton's, 50l. at Skipton	1
	By ASPARAGUS (aged 20).	
2	Rifleman, General Grosvenor's, 50gs at Newmarket	1
	By BANGTAIL (aged 15).	
6	Prince D'Enghien, Mr. Miller's, 50gs at Stirling	1
	By the BARB (Duke of Richmond's).	
4	Tetuan, Duke of Richmond's, 50gs at Goodwood	1
	By BENINGBROUGH (aged 16).	
3	Bay Colt, (out of Caroline) Mr. Garforth's, 140gs at Malton, 160gs at Beverley, and 92l. at Richmond	3
3	Bay Colt, (out of Priscilla's dam) Mr. N. B. Hodgson's, 100gs at Malton, and 150gs at York August Meeting	2
3	Bay Filly, (out of St. Anne) Mr. S. Pickering's, 80gs at Malton	1
3	Bedalian, Mr. H. Peirse's, 200gs at Doncaster	1
3	Belinda, Lord Stamford's, 50l. at Tenbury, 50l. at Bridgenorth, 50l. at Hereford, 50l. at Litchfield, twice 50l. at Walsall, and 50l. at Wrexham	7
3	Briseis, General Grosvenor's, 50gs, 100gs, 150gs, and 37½gs at Newmarket; also the Oaks' Stakes of 1000gs at Epsom	5
3	Buttercup, Mr. Sitwell's, 375gs and 50gs at Newmarket; 80gs at Derby, 50l. at Chesterfield, 50l. at Pontefract, and 50l. at Doncaster	6
3	Cecilia, Mr. Carr's, 50l. at Newcastle, Staffordshire; Mr. Benson's, 50l. at Stafford	2
4	Centurion, Mr. Wentworth's, 50gs at Skipton, and 50l. at York Spring Meeting	2
3	Comedy, Mr. Brooke's, 100gs at Chester, 50gs at Knutsford, and twice 50l. at Tre-Madock; Mr. Price's, 50l. at Oswestry; and 50gs at Wrexham	6
4	Fortuna, Mr. Brandling's, the Silver Cup, value 50gs, with 30gs in specie, at Newcastle; 50l. at Lamberton, the King's Plate and 50gs at Edinburgh, 100gs at Dumfries, 50gs and 100gs at Ayr, also twice 50l. at Stirling	9
3	Grey Colt, (dam by Delpini) Mr. Watt's, 50l. at Beverley	1
3	Gustavus, Lord Grey's, 70gs at Manchester, 50gs at Bridgenorth, 65l. 15s. at Nottingham, 50gs at Litchfield, and received a 10gs Premium at Shrewsbury	4
3	Honest Bob, Mr. Walkington's, 50l. at Dumfries	1

7 Lady

Years Old. *No. of Prizes.*

7 Lady Mary, Mr. N. B. Hodgson's, 50l. at Malton, and 50l. at Durham 2
3 Maïda, Mr. Kirby's, 100gs at Newcastle.......... 1
3 Margaret, Mr. Wentworth's, 100gs at Doncaster 1
8 Orville, Mr. D. Radcliffe's, 400gs at Newmarket; His R. H. the Prince of Wales's, 200gs at Brighton; 200gs, 100gs, and 60gs at Lewes; Mr. D. Radcliffe's, 105gs and 125gs at Newmarket 7
3 Phlebotomist, Mr. Ackers's, 90gs at Chester; Mr. C. Smith's, 75gs at Stafford 2
4 Rosette, Mr. H. Peirse's, the Union Cup, value 100gs, with 180gs in specie, at Preston; also the Prince's Stakes of 475gs at Doncaster 2
4 Rugantino, His R. H. the Prince of Wales's, 110gs at Brighton.... 1
3 Scud, Lord Monson's, the Gold Cup, value 100gs, at Doncaster .. 1
4 Thorn, Mr. H. Peirse's, the Produce Stakes of 1050gs at York Aug. Meeting 1
3 White-Rose, Ld C. Somerset's, 50l. at Stamford 1
3 Windle, Sir W. Gerard's, $187\frac{1}{2}$gs at Catterick-Bridge 1

By BOUDROW (dead).

a. Helen, Mr. Scott's, 50gs at Burton-Hunt, Lincoln Course 1

By a BROTHER to REPEATOR.

3 Momentilla, Mr. F. Neale's, 50gs, 100gs, 25gs, and 100gs, at Newmarket; Mr. Vansittart's, 100gs, 150gs, and 100gs at Newmarket 7
5 Regulator, Mr. F. Neale's, 100gs at Newmarket; Mr. Vansittart's, 80gs at Bibury; Mr. Macnamara's, 50l. at Ipswich, and 50l. at Beccles; Mr. Harbord's, 50gs, 25gs, and 50gs at Blickling 7

By BURGUNDY.

— Maid of the Mill, Mr. Hardy's, the Cup, value 50l. at Blandford 1

By BUSTARD (dead).

4 Young Bustard, Mr. Dun's, 50l. at Cupar 1

By BUZZARD (aged 20; sold into America.)

4 Bay Colt, Mr. Addy's, 50l. at Stamford, and 50l. at Leicester 2
2 Bay Filly, (sister to Hawk) Mr. Fermor's, 100gs at Newmarket .. 1
4 Blowing, Lord Foley's, 50gs and twice 200gs at Newmarket...... 3
6 Brainworm, Mr. Arthur's, 200gs at Newmarket.......... 1
4 Bronze, Mr. B. Craven's, 200gs at Newmarket.......... 1
6 Bustard, Lord Sackville's, twice 100gs, 200gs, and 50gs at Newmarket.......... 4
3 Bustler, Lord Barrymore's, 50l. at Newmarket; Mr. Ladbroke's, 25gs at Newmarket 2
3 Ches. Filly, (sister to Castrel) His R. H. the Prince of Wales's, 100gs at Brighton, and 50gs at Lewes; Mr. Delmé Radcliffe's, 100gs and 125gs at Newmarket 4
5 Currycomb, Mr. F. Neale's, 50gs at Newmarket; Mr. Vansittart's, 200gs at Newmarket 2
4 Deceiver, Lord Stawell's, twice 50gs at Newmarket 1
7 Dreadnought, Hon. G. Watson's, 200gs at Newmarket 1

Years Old.		*No. of Prizes.*
3	Gladiator, Gen. Gower's, 50gs at Newmarket	1
3	Hawk, Mr. Fermor's, the Silver Cup, value 50gs, with 50gs in specie; and 50l. at Brighton; also 50l. at Egham	3
3	Pantina, Lord Stawell's, 50gs and 100gs at Newmarket	2
9	Quiz, Lord Rous's, 50l. at Newmarket	1
5	Selim, Mr. Delmé Radcliffe's, the Craven Stakes of 110gs, 100gs, and 171l. 10s. at Newmarket	3
4	Superstition, Gen. Grosvenor's, 50l. at Huntingdon	1
4	Vanity, Duke of Grafton's, 50gs, twice 100gs, 50gs, 125gs, and 50l. at Newmarket	6
	BY CARDOCK (aged 22).	
5	Malmsbury, Mr. B. Price's, 110gs at Warwick................	1
	BY CAUSTIC (aged 15).	
4	Bluestone, Mr. Worrall's, 50l. at Newbury..................	1
	BY CHARIOT (aged 18; sold abroad).	
6	Young Chariot, Mr. C. Cholmondeley's, the Gold Cup, value 100gs, with 30gs in specie, at Newton: 50l. at Knutsford, 80gs at Warwick, 134gs at Shrewsbury, 60gs at Wrexham, 160gs and 70gs at Holywell-Hunt	7
	BY CONSTITUTION, (aged 18; sold into Russia.)	
7	Doubtful, Mr. Faulkener's, 50l. at Warwick	1
	BY CORIANDER (aged 21).	
a.	Blenheim, Mr. Starling's, the King's Plate and 50l. at Ascot-Heath	2
a.	Challenger, Mr. Norton's, the Silver Bowl at Salisbury; Mr. Sutton's, 50gs and twice 50l. at Bodmin	4
a.	Morgiana, Duke of St. Albans's, 7gs at Newmarket............	1
5	Swinley, General Gower's, twice 100gs, and 200gs at Newmarket	3
	BY DELPINI (aged 26).	
5	Grimaldi, (late Confederate) Mr. Goulburn's, 50l. at Hereford, and 110gs at Leicester	2
a.	Macebearer, Mr. T. Cholmondeley's, 50gs, 105gs, and 70gs at Holywell-Hunt	3
6	Priscilla, Mr. N. B. Hodgson's, one of the Subscription Purses of 260l. 8s. 4d. at York August Meeting	1
5	Sir Launcelot, Sir J. Shelley's, 600gs at Newmarket; 500gs at Brighton, the King's Plate and 500gs at Lewes; Mr. T. Brown's, the King's Plate and 50l. at Canterbury; also 50l. at Bedford	7
	BY DIAMOND (aged 15).	
3	Filly, (out of Camelion) Lord Barrymore's, 20gs at Newmarket ..	1
	BY DON QUIXOTE (dead).	
5	Artichoke, Mr. Bagshaw's, 50gs and 85gs at Oswestry	2
6	Miss Coiner, Mr. Butler's, 80gs at Ascot-Heath; 70gs at Hereford; the Gold Cup, value 100gs, with 50gs in specie, at Leicester; and 50gs at Tewkesbury	4
	BY ENGINEER.	
—	Sentinel, Mr. Price's, 60gs at Wrexham	1

Years Old.		No. of Prizes.
	By EXPECTATION (aged 11).	
3	Mackall, Mr. Dilly's, 50l. at Salisbury, and 50l. at Blandford	2
3	Oran, Sir John Lawson's, 50gs at Catterick-Bridge, 50l. at Durham, and 140gs at Richmond	3
	By FIDGET (aged 24).	
—	Fuss, Hon. Mr. Fellowes's, 40gs at Bodmin	1
	By FLYING GIB (dead).	
a.	Cowley, Lord Craven's, 50gs at Newbury; Mr. Fowle's, 50l. at Abingdon	2
	By FORTUNIO (dead).	
a.	Judgment, Mr. Bayzand's, 40gs at Kingscote, and 80gs at Oswestry	2

To be continued.

ANOTHER HORSE CAUSE.

COMMON PLEAS, GUILDHALL, NOVEMBER 17.

Sittings before Sir James Mansfield, Chief Justice.

CROOK AGAINST FEVERS.

THE plaintiff was an attorney, the defendant a horse-dealer. The action was for the price paid for a horse, which the plaintiff afterwards returned.

Mr. Serjeant Shepherd stated, that his client, Mr. Crook, had bought a horse, upon trial, from the defendant; but, with an imprudence that he would advise other people not to practice, he paid the price of the horse, 21l. before he agreed to the absolute purchase. The trial of the horse was by no means limited to a single day. It was wanted for a gig, and was therefore warranted, not only sound, but remarkably quiet. The plaintiff, however, not finding that it possessed all those perfections, returned the horse, and wanted another that would suit him. The defendant took the horse, and sent him another; and said, that if that did not suit him, he would soon have such a number of horses that he must be able to accommodate him. The plaintiff, however, not liking that second horse, returned it, and demanded, according to his bargain, the sum which he had paid for the first horse. The defendant not only refused to do this, but sent him in a charge for the hire of the horses, equal to what he had charged before as the price of the horse. He had in the present action attempted to set off this hire against the whole price of the horse.

Thomas Malin, an ostler to the defendant, was called on to prove this case. He appeared, as might be expected, a very unwilling witness for the plaintiff. His evidence was, that the horse was bought in July, and the draft for the payment was given to him, as his master was then out of town. In September, the plaintiff, when he returned the horse, desired him to tell his master to sell it. The master, consequently, sent it to an auction, where it was sold for 23l. As to the second horse, it was returned

turned in the most wretched condition, not a bit better than the worst hackney coach-horse that is to be seen.

As this witness appeared to remember very well every thing that could make for his master's case, and did not remember at all the dates or circumstances which could make the other way, he was examined particularly as to the time of the sale by the Counsel for the plaintiff, who held in his hand the draft which was paid as purchase-money.

Mr. Serjeant Best on the part of the defendant, contended, that it was not fair for the Counsel for the plaintiff to cross-examine their own witness in this manner, and to endeavour to entrap him into an answer contrary to the written document in their hands.

Sir J. Mansfield.—"And why not, Brother Best? Is it not the universal practice of the Bar to entrap an adverse witness as much as they can. I am sure I myself have had considerable practice at *Nisi Prius*, and I always thought it perfectly fair.—[This produced a very general laugh in the Court.]—We all see what kind of a witness this is, and Counsel are in the right to get the truth from him if they can."

The next evidence which was produced was the draft which was given to the ostler in payment for the horse. It was a draft upon the Bank of England, and mentioned, "for a horse, which was to be returned if not approved of."—It appeared, however, that the ostler who took the draft could not read.

Mr. Serjeant Best, on the part of the defendant, said, that it would not require many minutes to dispose of this cause. The plaintiff, who was an attorney, was not a very likely person to be guilty of the imprudence stated by his learned friend, of paying for a horse that he did not mean to purchase. It appeared on the contrary, that, in the present case, he wanted to have the use of a horse for a long time, without paying any thing at all.—The first horse, that was chosen in July, was not returned till September, and therefore, it seems, he calculated on getting for nothing the use of a horse to drive him all the summer about his residence at Enfield. The second horse he kept for five months, and for the use of that horse also he refused to pay. The manner in which the defendent had calculated the set-off was, that he thought 3s. a day a reasonable sum to charge for the hire of those horses.—Convinced as he was that the Jury would be of the same opinion, he thought this attorney shewed a very bad taste in choosing to make himself plaintiff in such an action.

Sir J. Mansfield told the Jury, that as to the second horse, as there had been no attempt to prove any agreement with respect to that, the defendant must be allowed to set off a reasonable charge for the hire against the plaintiff's demand.—This, calculated at 3s. a day, would amount to 23l. 14s.—The only point, then, which remained for their consideration was, whether by the contract itself as to the first horse, it must not be understood that the time for trial must be a reasonable one, and whether it was reasonable to keep the horse six weeks, during the summer, and then return him? If they thought that the contract itself implied that the horse should only be kept a reasonable time on trial, and that this time was unreasonable, they must also give such allowance as to them

appeared

appeared proper for the use of the first horse.

The Jury, after a short consultation, found a verdict generally for the defendant.

TRIAL AND ACQUITTAL OF THOMAS GRAHAM, Esq.

With the Remarks of Francis Plowden, Esq. on the Evidence adduced upon the Trial.

COURT OF KING'S BENCH, DEC. 7.

Before Lord ELLENBOROUGH, *and a Special Jury.*

The King *v.* Thomas Graham, Esq.

THIS was a case which excited a more than ordinary degree of interest, and filled the Court with auditors at a very early hour. It was an indictment for perjury, preferred by Mrs. Charlotte Atkyns, of Ketteringham, in Norfolk (formerly the Miss Walpole who was the original *Nancy* in *The Camp),* against Thomas Graham, of Lincoln's-Inn, Esq. a gentleman of the first eminence in the profession.

Mr. Curwood opened the indictment by stating, that the prosecutrix, upon the death of her late husband, Edward Atkyns, Esq. filed a bill in the Court of Chancery against Mr. Graham and John Atkyns Wright, Esq. as trustees of her deceased husband's estate, calling upon them, and upon Mr. Graham particularly, to account to her for all monies received with reference to the trust. The indictment alledged that Mr. Graham, in his answer to this bill (to the truth of which he swore) omitted to bring forward the various sums of 3220l. 2000l. 1800l. 3700l. and 3000l. which he was stated to have received upon the trust account; and it was upon this omission that different assignments of perjury were founded.

Mr. Garrow addressed the Jury on behalf of the prosecution. He felt it unnecessary to do more than render the facts of the case intelligible to the Jury, in order that they might apply the evidence he should submit to them. He stated, that this lady, upon her husband's death, had confided her affairs to the management of Mr. Francis Plowden, a Barrister of the Court of Chancery, by whose advice she had instituted a suit against the defendant, her husband's trustee, to obtain an account of the manner in which he had executed the trust reposed in him; that, after Mr. Graham had put in his answer, the banking-book of the deceased was discovered, by which it appeared that large sums of money had been paid to Mr. Graham respecting the trust, which he had not brought to account, or mentioned in his answer. Upon this, Mr Plowden had advised his client to prefer the present indictment. He should shew by the banking-book, that the defendant had received the sums mentioned in the indictment; and it would be proved, by the defendant's answer, that he had not stated any of the sums in question. If he made out this case, the Jury would have no hesitation as to the verdict it would be their duty to pronounce.

The preliminary proof on the part of the prosecution consisted of the answer of the defendant, the banking-book referred to by the learned Counsel, and several other documents; but, upon cross-examining the witnesses who produced them, it appeared, almost in the outset of the cause, clear that the defendant

defendant had not received any of the sums contained in the indictment on the trust account, but that he had received them on distinct accounts, and had duly paid them over to Mr. Atkyns, and had regularly received his acquittance for them.

The learned Judge intimated his opinion, while the prosecutrix's witnesses were under examination, that there was not the slightest pretence for the prosecution; but the Attorney General requested it might proceed, in order that he might have an opportunity of doing justice to the injured character of Mr. Graham, than whom there was not a more honourable man in the profession. He added, that although there were innumerable objections on the face of the indictment, he should not take the advantage of one of them.

Mr. Plowden, the Barrister, was examined on the part of the prosecutrix, and upon his cross-examination he admitted, that he had himself drawn the draft of the indictment, and had gone before the Grand Jury as a witness to get it found, and that the attorney concerned had been his clerk. He had advised the measure, because he had seen no account of the sums stated in the banking-book to have been received by the defendant. He had heard that Mrs. Atkyns, had, after her husband's death, delivered a large quantity of papers to a relation, but he had never enquired whether among those papers there was any thing which would have explained how Mr. Graham had accounted for the money. He admitted also that he had had in his possession, before he preferred the indictment, the account which shewed that Mr. Graham had accounted for the last three sums mentioned in the indictment.

Mrs. Atkyns was also examined; but she merely stated that she had entrusted her affairs to Mr. Plowden, and had acted by his advice.

Sir Vicary Gibbs said, that it was neither his duty, nor province, nor inclination, to observe on the propriety or impropriety of any gentleman's conduct. Mr. Plowden was at liberty to act as he pleased; but he thought it a duty he owed the profession to state publicly, that it was not common for gentlemen so to mix themselves with their clients' concerns as he had done. It was not common for a barrister, after he had drawn an indictment, to go before the Grand Jury as a witness in support of it; neither was it common for a barrister to act the part of an attorney, as Mr. Plowden had done; on the contrary, the duties of a barrister and an attorney were kept separate. He then went into the general defence of his client, in the course of which he made it evident, that there was not the smallest ground for the prosecution; but he inferred, in the most pointed terms, that Mr. Plowden knew Mr. Graham had fully accounted with Mr. Atkyns, and that he was actuated by an intention to intimidate Mr. Graham into a compliance with certain propositions. The Attorney General characterised the prosecution as peculiarly scandalous, Mr. Graham having for thirty years done every thing to promote the interest of Mr. and Mrs. Atkyns, and having in fact been the means of continuing them in the enjoyment of their estate. The charge, he said, was as groundless as malice could make it. He had never entertained a doubt as to the result, but he was not anxious about

an

an acquittal—of that he was certain. His object was to place his client fair before the world, as he deserved to stand. He was persuaded that no man ever went clearer out of a Court of Justice than Mr. Graham would, by the verdict of the Jury upon this occasion. He then commented very strongly on the accuracy of Mr. Graham's accounts with the late Mr. Atkyns, and of his friendship and kindness to him; and the Attorney General was astonished that any man or child could have possibly imagined that the sums stated in the indictment could belong to the trust account. He was proceeding to call witnesses, when

Lord Ellenborough, addressing himself to Mr. Garrow, stated, that if he thought his time could be profitably occupied in addressing the Jury, he would willingly hear him: but, having seen the accounts, and what they contained, he was convinced that no two persons in Court could entertain two opinions upon the matter. He had interposed less in this cause than he otherwise would have done, in consequence of the great importance of the enquiry to the defendant; but he considered, that to proceed further in this cause would now be an unnecessary waste of time.

Mr. Garrow said, that if, after the cause had proceeded so far, he had not received impressions similar to those of his Lordship, he should think he ought to retire from his professional duty on the ground of incapacity: with the impression he entertained, he was convinced, that if he were to address the jury with a view to any different result than that of the acquittal of the defendant, he should exhibit only his own vanity and arrogance. He should regret to make any address that should by possibility have the effect of throwing the slightest stain on the character of Mr. Graham.

Lord Ellenborough observed, that the learned Counsel for the prosecutrix had behaved very candidly and honourably. He had discharged his duty to his client, in seeing the case made out to the extent of the materials. His Lordship then censured with severe language those who advised this prosecution, and observed, that if common pains had been taken to investigate the accounts, it would have appeared clear that Mr. Graham had conducted himself with honour and integrity, and with the greatest and most successful attention to the affairs and interest of Mr. and Mrs. Atkyns. He conceived it unnecessary to detain the jury, but should dismiss the case with this observation, that Mr. Graham had been most hardly treated.

The jury, without an instant's hesitation, pronounced a verdict of acquittal.

MR. PLOWDEN's LETTER.

Extracted from the Morning Herald, of the 9th Dec. 1807.

MR. EDITOR,

Feeling that the impression which must be made on the readers of your report of the proceedings in the KING *v.* GRAHAM materially affects my professional character, I trust that candour to the public, and justice to the individual, will allow me, through the same channel, to endeavour to counteract that impression, by referring to some facts proved in Court, which do not distinctly appear in your report. I did advise a suit in Chancery against the defendant; but it was in the na-

ture of a cross bill, after an embargo had been laid upon the rents of the prosecutrix, and two actions at law had been commenced against her. Although her attorney, as I admitted in Court, had been eight or nine years ago my clerk, yet it was not proved in Court, that I directly or indirectly recommended him (for I never did). It was admitted by me in Court, that I went before the grand jury to support the indictment, but it was also sworn, that I went merely to produce the four original documents which had been confided to me, with a most solemn injunction from the prosecutrix not to permit them, on any occasion whatever, to go out of my possession for a single moment. I admitted in Court, that I was of opinion, that an indictment for the defendant holding back the receipt and application of the sums, in his answer, would lie; but it was not proved in Court, as it is natural from your report to infer, that I recommended, much less urged that measure; for, as the fact is, the prosecutrix explicitly swore in Court, that she made up her own mind to adopt that measure, which when I had been informed of by her, and knowing more of the circumstances than any other person, drew up the substance of an indictment, which I gave to her attorney, to lay by way of instruction before a crown lawyer, on her behalf.

Whoever reads your report of the Attorney General's speech, will naturally conclude that it had been proved in Court, that I knew Mr. Graham had fully accounted with Mr. Atkyns for all the sums he held back from his answer, and also that I had acted as an attorney; yet it was most distinctly sworn by me, that I never had seen or heard of any account having been delivered in, or settled by the defendant, out of the two first sums laid in the indictment, of three thousand, two hundred, and twenty pounds, seven shillings and sixpence, and two thousand pounds; and that, considering the account, which was delivered in, of the three latter sums, a breach of the trust, the prosecutrix was entitled to call for the account, and injured by its suppression; and that, upon those grounds, my opinion that the indictment would lie, had been formed. As no evidence was given in Court to prove that I had acted as an attorney, I feel myself at liberty to counteract the injury which your report of the proceedings in Court may do me in this regard, and state what the fact is, although it were not distinctly brought before the Court. When the prosecutrix first applied to me (which was in the beginning of the year 1805, on her son's death, as I swore in Court, and not on the death of her husband, in 1794, as is incorrectly stated in your report) for my advice on her rights, under her son's will, she desired me, if possible, to save her from the expences of an attorney. I told her, that whatever at that time was the office of an attorney to perform, might be done by Mr. Graham, who had always acted in that capacity for the family; and that I would peruse, and settle on her behalf, whatever should be prepared by him for her signature or execution. He accordingly prepared a draft of a deed between Mr. Atkyns Wright and the prosecutrix, which he laid before me to peruse, and settle on her behalf, on which I wrote an opinion, and soon after (perhaps in consequence of) which, two suits in Chancery and two actions at law were commenced against the prosecutrix; but when matters

matters became adverse, I wrote to the prosecutrix that it was "become necessary for her to have an attorney," and I gave her that timely warning, in order to prepare her for that most important and awful election; and this was the only recommendation I ever gave to her about an attorney.

I scrupulously forbear referring to any matter that can affect the pending suit in Chancery; but in order to repel the imputation of not having used due diligence in investigating the accounts of the defendant with the late Mr. Atkyns, it is a fact, that in the interview which I swore to have had with Mr. Graham, (and in which he made no offer to shew me any other accounts) I did produce to him the four vouchers, which proved his receipt of the several sums, which I concluded he must have forgotten in his answer, and intreated him, for his own sake, and of my client, to explain, account for, and settle that omission. This fact was not specifically produced in evidence; but I have Mr. Graham's written thanks "for my great kindness and attention to him in this regard."

Without any disposition to break in upon the defendant's enjoyment of a most honourable acquittal by the verdict of his countrymen, I merely wish that these facts may be truly known to the public, as they affect the professional conduct and character of your humble servant,

FRANCIS PLOWDEN.

Essex-street, Dec. 8th, 1807.

GULLEY AND GREGSON.

THE following agreement, it is said, has been entered into between the friends of the above:—

MAJOR Morgan, on the part of Gregson, and Mr. John Jackson, on the part of Gulley, agree to deposit 50 guineas each this day, and a further deposit of 50 guineas on the 1st of March, 1808, or forfeit the first 50 guineas; and on Monday following the Craven Meeting, the remainder of the stakes to be made good by the contracting parties, or the 100 guineas to be also forfeited; and that the Hon. Berkeley Craven be requested to hold the stakes on the day of fighting.

Conditions of the Battle.

1st. The battle to take place on the Tuesday following the first Spring Meeting, between the hours of ten and twelve, A. M.

2d. To fight in a roped square of forty feet.

3d. Neither to fall without a knock-down blow, subject to the decision of the umpires.

4th. Three umpires to be chosen upon the ground; viz. two, and one on reference.

(Signed) CHAS. MORGAN, JOHN JACKSON.

London, Dec. 22, 1807.

GENUINE IRICISM.

A Miller took an Irish servant, (whom he had only hired the day before) to give him directions about clearing the water-wheel of the snow which had fallen the preceding night, (the 19th ult.) and prevented the water coming to it. The man, after viewing it very seriously for a moment, said—"Arrah, master, now, if I might be allowed to advise, this would be a very bad *winter job*—it would be a much better *summer job!*"

FEAST OF WIT.

A Surgeon, who walks the Hospitals, boasted that he had lately amputated many limbs, and that he received 4l. for each operation, which proved a slight compensation for the noise and uproar he was compelled to bear from the patients under his hands.—" Faith, Doctor," said his friend, " you carry on a *roaring* trade."

A FELLOW, lately passing by a sale-shop, snatched two coats that were hanging at the door, and made off with the cast-off apparel. A female in the shop ran in pursuit of the thief, but he escaped; when a gentleman passing told the girl " to console herself, as clothes come dishonestly by would never wear well."—" That may be the case," rejoined she, " but my master won't be very well pleased if I tell him so."

THE famous Sir George Rooke, when he was a Captain of Marines, was quartered at a village, where he buried a great number of his men. At length the parson refused to perform the ceremony of their interment any more, unless he was paid for it, which being told Captain R. he ordered six men of his company to carry the corpse of the soldier then dead, and lay him upon the parson's hall table. This so embarrassed the parson, that he sent the Captain word, " if he would fetch the man away, he would bury him and all his company for nothing."

A GENTLEMAN once observed to Dr. Johnson, that there were fewer vagrant poor in Scotland than in England, and as a proof of it, said there was no instance of a beggar dying in the streets there.—" I believe you are very right there, Sir," says Johnson; " but that does not arise from the want of vagrants, but the impossibility of *starving a Scotchman*."

JACK Ketch used to be called the *finisher of the law*; if things don't mend, he observes, *the law will likely finish him.*

A CORPULENT performer at one of the private theatres, lately applied to a country manager for an engagement.—" What can you do?" said the manager.—" I have been used to the heavy walking business."—" What is that?" replied the manager.—" Why, Sir, I have lately been employed to walk in a wheel on the quays at the West-India Docks, to hoist goods out of ships." — " Your abilities, Sir," observed the manager, " may be acceptable at the West-India Docks, but, big as you are, you can bear no weight at my theatre."

A TAILOR's apprentice is considered the best private actor at the Minor Theatre. It is said, in his person he is " like a *thread-paper*, and in his deportment is as *stiff as buckram*."

A HANDSOME young lady, named Long, who was short in stature, appeared

appeared one season at Bath, when a gentleman thus addressed her :—

Though Long, yet short,
Though short, yet *pretty* Long.

A few days ago, *Ben Block*, a seaman, who seemed to have stowed away more grog than he could steadily carry, was charged by a publican, at whose house he lodged, with having broken his windows, and assaulted him.—Honest *Ben*, a veteran near sixty, who appeared to have weathered many a hard gale, and was a good deal *shattered*, both in hull and rigging, after hearing the charge against him, and being asked what he had to say in his defence, turned his *quid*, hitched up his trowsers, and addressing the worthy Alderman in the true *forecastle* dialect, said, "Why, your honour, belike I might have come athwart this here man in a breeze, and mauled him a little, fore and aft; but he has forgot to tell your honour as how he began first, so your honour must overhaul him a bit before you send me to the bilboes. Your honour must know, I am a customer at his house, and take my *birth* there, and he's my *purser*, and all that: but he has forgot to tell you as how that he hove me overboard last night, and shattered my *head-rails* and *lower timbers* before I begun and stove in his lights. And does your honour think that I, who have been a seaman in his Majesty's service, man and boy, forty years, will ever take such rough hauling from e'er a lubber in Europe, without giving him battle? If I do, then say I am no seaman."—This harangue produced a good deal of laughter, and honest *Ben* was dismissed, upon a promise that he would not strike his landlord again, unless his landlord struck him first.

Lord Cornwallis is lineally descended from John Cornwalleys, Esq. of Brome, in the county of Suffolk, who lived in the reign of Henry the Seventh, and whose will contains, among others, the following remarkable *items*:—"I bequeath to a preest, to syng and pray for my soule, my fader's soule, my moder's soule, and all my freends' soules, and all Chrysten's soules, for three years, 23 marc starling: to the Abbot of Bury, my ambulling nagge, and to myne heyre, my masse booke and gilt goblitt, that was my fader's."

Burlesque Advertisement.——*To the Public.*—A new company is about to be formed, under the style and title of the National Company of Shoe-blacks. Capital, one million; to consist of 20,000 shares, at 50d. each, it is supposed, will eventually produce to the Subscribers a bonus of 50 per cent.—The plan proposed is this:—A large building will be appropriated to the joint purposes of a *Japan Blacking* Manufactory, and a place of residence for the persons who are to carry on this truly lucrative concern; these are to consist of all the miserable objects that now infest the streets of the metropolis, as mendicants, &c. who are to be decently clothed and maintained at the Company's expence. Proper overseers are to be appointed, who will conduct them every morning, each having his or her own *apparatus* with them, to the corners of streets, lanes, and alleys, most likely to suit their occupation; and to prevent their embezzling what they receive, each of them is to have a *strong box*, or leathern bag,

bag, with a hole to admit what money they take, and the following words to be written in large letters on the box or bag—" *Pay here.*" The overseers are regularly to fetch them in again in the evening.

This is only a faint outline; but a meeting will be held on Monday next, at the *Black*-Boy Tavern, to take it more fully into consideration, when every further particular will be stated, to convince a *credulous public* of its extreme utility!

N. B. Counsel's opinion has been taken, and there is no Act of Parliament in existence that can possibly prevent the National Company of Shoe-blacks from being formed.

The son of a respectable farmer in the neighbourhood of Newmarket, lately had a Christening at his father's house, when, after sitting a little while, and taking a glass or two of ale, one of the female gossips asked the old gentleman for a *toast*; who replied, with a frown, " Remember, girl, *that Butter is 16d. per pound!*"

Bon-Mot of a Lady.—A poor beau, of an emaciated appearance and worn-out constitution, and who was anxious to atone for these deficiences by extraordinary gallantry, went to Schonbrun, near Vienna, with a buxom young widow, to view the exotic birds and plants:—" How amiable and how tender," said he, " is the passion of that dove!" " True," replied the lady: " but (looking him full in the face) I don't like doves that only *coo.*"

The following curious advertisement is said to be copied from an American Paper:—" This is to acquaint the public, that I will pay no debts my wife, Mary Aire, may contract, as she broke from her *moorings*, and was seen *in tow* with a yonng fellow when I was at sea. " John Aire."

POETICAL ADVERTISEMENT.

WANTED by an Undertaker
In Manchester—a Shroud-maker.
Her business she must understand,
And do every thing off hand.
Constantly employ she'll find,
In making Shrouds of ev'ry kind,
To deck out those with the best grace,
Going to Heav'n—or t'other place!
Liberal wages will be paid
To any quick industrious maid,
Who may like this situation,
And can have good rec'mendation.
For more particulars, apply
Unto *Joe Thompson* directly.

Collins, the Poet, was extremely attached to a young lady who was born the day before him, and who did not return his passion with equal ardour. He said, on that occasion, " that he came into the world a day after the *fair.*"

A watchman, who was charged with being guilty of riotous behaviour the night before, excused himself by declaring, that he was *fast asleep* almost the *whole* of the night.

To a play-bill, published by a Country Manager, in the vicinity of the metropolis, announcing *George Barnwell*, and the romance of *Blue Beard*, was lately added the following novel and attractive invitation:—

Let none be afraid from the country to come,
As the *Moon* is *engaged* for to light them all home;
But should she *herself* that honour decline,
The *Stars* have *agreed* with more lustre to shine.

Doors

Doors open at six, begin about seven,
At home safe in bed between ten and
eleven.

COLLINS.—This great poet did not often wander into the gay and lively scenes of his art. The following verses by him, on a quack doctor of Chichester, are well remembered in that city :—

Seventh son of Doctor John,
Physician and Chirurgeon,
Who hath travell'd wide and far,
Man-midwife to a man of war,
In Chichester has ta'en a house,
Hippocrates, Hippocratous.

TO A MARRIED MAN.

IT is a maxim in the schools,
That women always doat on *fools;*
If so, dear Jack, I'm sure your wife
Must love you as she does her life.

A *learned* Doctor, in Sussex, has the following inscription over his door :—

Get up at four,
And you'll have more;
Get up at five,
And things will thrive;
Get up at six,
And things will fix;
Get up at seven,
And things will be even;
Get up at eight,
And that's too late;
Get up at nine,
And that's no time;
Get up at ten,
And *go to bed agen.*

WHEN the late Robert Lord Clive was a boy, and once walking with a school-fellow through Drayton market, the two lads stopped to look at a butcher killing a calf. "Dear me," says the lad, "I would not be a butcher for all the world."—"Why, I should not much like it," said Clive, "'tis a dirty business; but I'd a *plaguy deal rather be a butcher than a calf.*"

A PUN.—A gentleman observing to his friend, *as a very odd thing,* that the clergyman and the clerk who officiated at his *wedding* were *both remarkably tall,* "Oh! (exclaimed his friend) *Hy-men,* should preside upon such occasion."

A MUSICAL gentleman, while performing, was lately arrested by *two* bailiffs, who requested him to join them in a *trio;*—"I should rather imagine (said the unfortunate gentleman) you wish for a *catch.*"

AMERICAN Flattery.—An American, lately addressing Christophe, the *Black Chief* of *Saint Domingo,* impiously observed, "the late General Washington was God's image in *ivory,* and you, illustrious General, God's image in *ebony!*"

THEATRICAL Union.—A matrimonial connection has taken place at Edinburgh between Mr. Vinning and Miss Benson, daughter of the late Mr. Benson, of Drury-lane. The parties were performing at Edinburgh in the Farce of *We fly by Night,* and took a fancy to carry into reality the union they had been representing on the stage.—They made their obeisance to the audience, withdrew in their theatrical dresses, and, by one of those brief ceremonies which the laws of Scotland sanction, returned in a few minutes, to the no small astonishment of their friends, in the new character of husband and wife.

ON SEEING AN OLD MAN WITH HIS YOUNG WIFE ARM IN ARM.

When an *Old* Man is wed to a handsome
young Bride,
It well may be said he has *Youth on his
side.*

A PERSON

A PERSON who was lately visiting the museum of Mr. Geo. Wallis, the celebrated gunsmith, at Hull, happened to take hold of a very curious fowling piece, and fixed his *attention* so particularly upon it, that Mr. W. not much liking the appearance of the man, civilly requested him to replace the gun where he found it; the man replied, the gun was not charged, and therefore there was no danger of its *going off*. True, replied Mr. W. but I had a fowling piece of the same kind stolen the other day, so you see it may *go off*, though it is not charged.

DURING the institution of a society in Liverpool, for the purpose of literary improvement, a gentleman of *strong* body, but of slender wit, applied to be admitted a member: "I think (said he, to the president) I must certainly be a vast acquisition to a society of this kind, as I am undoubtedly a *great* man, in the *literal* sense of the word?" "True, replied the other, but I am afraid you are but a *little* man in the *literary* sense of the word."

ANECDOTE of Garrick and Preville; extracted from a work on Theatrical Representations, lately published at Paris.—When Garrick was in France, he made a short excursion from the Capital with the celebrated Parisian performer, Preville. They were on horseback, and Preville took a fancy to act the part of a drunken cavalier — Garrick applauded the imitation, but told him, he wanted one thing, which was essential to complete the picture; he did not *make his legs drunk*.—"Hold, my friend, (said he) and I shall shew you an English blood, who, after having dined at a tavern, and swallowed three or four bottles of Port, mounts his horse in a summer evening to go to his box in the country." He immediately proceeded to exhibit all the gradations of intoxication. He called to his servant, that the sun and the fields were turning round him; whipped and spurred his horse until the animal reared, and wheeled in every direction: at length he lost his whip, his feet seemed incapable of resting in the stirrups, the bridle dropped from his hand, and he appeared to have lost the use of all his faculties. Finally, he fell from his horse in such a death-like manner, that Preville gave an involuntary cry of horror, and his terror greatly increased when he found that his friend made no answer to his questions. After wiping the dust from his face, he asked again, with the emotion and anxiety of friendship, whether he was hurt? Garrick, whose eyes were close, half opened one of them, hiccupped, and with the most natural tone of intoxication, called for another glass. Preville was astonished, and when Garrick started up, and resumed his usual demeanour, the French actor exclaimed—"My friend, allow the scholar to embrace his master, and thank him for the valuable lesson he has given him."

ON LORD SUFFOLK'S FOOL.

HERE lies the Earl of Suffolk's Fool,
Men call'd him DICKY PEARCE;
His folly serv'd to make folks laugh,
When wit and mirth were scarce.

Poor Dick, alas! is dead and gone;
What signifies to cry?
Dickies enough are left behind,
To laugh at by and by.

Buried June 18, 1728,
aged 67.

COURS-

COURSING.

MALTON MEETING, YORKSHIRE.

MR. Mellish brought his long-dogs in good style to the field at the late Malton Coursing Meeting; notwithstanding, they were thought by the best judges to be short of work, and too fleshy.—Mr. Mellish is very partial to greyhound coursing, and has made a great number of matches for the next Meeting in February, and also that in November following. The hares were never known to run so stout, for out of 45 hares that were coursed, only *four* were killed.

Another correspondent says—Mr. Mellish produced two brace and a half of greyhounds, with which he challenged the whole Meeting. These dogs were brought down in a most elegant carriage, with all possible easy springs. A vehicle so splendid could not but attract the attention of all the people in the country through which it passed. When arrived at the field of action, the dogs were led forth paragons of perfection, being selected at an immense expence from the best breeds of Mr. Tyson, at Newmarket, and elsewhere. Confident of success, they were exhibited in the gayest attire; the sheets that covered them, some say, were fringed with point lace.—The first and only match, *(see our Magazine for last month)* Mr. M.'s dog beat a bad dog, and a worse hare: 22 hares were run, and only the above killed.—Mr. Mellish, seeing that his dogs were good for nothing, and even that which beat in so little repute, gave away the whole kit to any that would take them.

The two foregoing accounts are certainly very contradictory—we publish them in hopes to get ultimately at the fact.

DOVERIDGE MEETING, DERBYSHIRE.

Lord Waterparke's Grounds.

THIS Meeting had not, like the Malton Meeting, to contend with the elements. Though much of the surrounding country was covered with snow, the running ground was clear, and the days were fine. The hares were numerous, and ran uncommonly strong. Many of the best courses were undecided.—Amongst the best old dogs of the Meeting, Wonder, the brother to Mr. Topham's Galliard, kept his place, notwithstanding his age. Mr. Mundy produced a very capital young dog, got by Wonder, out of Susan, Snowball blood. An invitation was given by Lord Middleton to the Derbyshire gentlemen, to try the speed of their dogs on the Wolds; and it is not unlikely that the Malton Meeting in February may see some of these justly-celebrated greyhounds.

NEWMARKET MEETING.

THE Newmarket Coursing Meeting, this month, was wholly impeded on account of the snow.—There were sixty brace of high-conditioned greyhounds, which all returned without a course. The Meeting is postponed until the 10th of February next.

AT BRADWELL, ESSEX,

The Coursing Meeting was well attended. The Marsh Hares ran very stoutly, and several matches between the best greyhounds of that county were very sharply contested.

SPORTING INTELLIGENCE.

KENYON House, Lincoln's-Inn Fields, the town residence of Colonel Thornton, after being uninhabited for many years, is now an emporium of the Arts. The finest collection of Sporting Subjects to be found in England is here deposited; including likewise an extensive Gallery of Historical Pieces, executed by the masters of the Old School. In this mansion, the owner keeps open table during the Christmas Holidays, in the true northern style of hospitality.

ABOUT the middle of the present month, as Mr. Coke, of Holkham, was in the act of jumping over a ditch, he fell in, and the place being deep and full of clay, he was extricated from it with some difficulty by his sporting companions; for a short time after, he was confined to his house with a severe cold and lumbago: Mr. C. is, however, now perfectly recovered.

ON Tuesday, the 15th instant, was married, Mr. Francis Buckle, of Long Orton, and late of Newmarket, to Miss Jane Thornton, youngest daughter of Mr. Thomas Thornton, farmer, of Litchfield.—We hope Mr. Buckle will find as much felicity in going over the matrimonial *course* as his integrity has procured him *credit* in his professional pursuits on the turf.

THAT celebrated stallion Delpini, the property of Mr. Knapton, of York, is advertised to cover next season, at his farm at Huntington village, five miles from York.—Delpini is only to cover ten mares, at 20 guineas each; he is in good health, and possesses greater spirits and vigour than any stallion of his age, it is allowed by all judges. He is sire of Timothy, Kelton, Tiptoe, Symmetry, Lennox, Saxoni, Keophania, and Scotia (both winners of the Oaks), Priscilla, Gayman, Sir Launcelot, Vesta, and many other runners, besides brood mares, and colts of great promise. He is allowed to have got some of the best hunters in England.

AT the same place, Evander will cover, at 6gs. a mare. He is son of Delpini and Caroline, a daughter of Phenomenon and Mr Garforth's famous brood mare Faith, dam of Marcia and Vesta. He is allowed to be one of the handsomest horses almost ever seen, and supposed to be, from his blood, shape, temper, action and symmetry, the most promising maiden stallion in the north.

THAT beautiful stallion Paynator will cover at the same place. His stock (now rising yearlings) are large, handsome, well shaped, and excellent movers. He is a proper and suitable cross for the north-country mares, from Young Marsk, Overton, Walnut, Drone, Delpini, King Fergus, Pipator, Phenomenon, Young Morwick, Alfred, &c.

AT the last Doncaster races, Mr. Wilson was offered 500gs. for a colt foal, got by Sir Peter Teazle, out of Totterella, the dam of Pavilion.

LORD

Lord Darlington has re-sold Pavilion, by Waxy, to C. Wilson, Esq. of Emsall-Lodge, near Ferry-bridge, Yorkshire.

S. Sitwell, Esq. of Renishaw-Hall, near Chesterfield, Derbyshire, has sold Goblet, brother to Bumper, (bought at Lord Darlington's sale at Doncaster Races) to Sir John Honywood, for 300gs. after winning a Plate at the last Newmarket Houghton Meeting.

Mr. Robert Wardell, of York, has sold a brown Hambletonian colt, out of Miss Grimstone, by Weasel, rising three years old, to William Fermor, Esq. of Oxfordshire.

Mr. Mellish has sold the bay colt Cock-Robin, brother to Sancho, to Sir John Shelley, for 1200gs. and 200gs. more if he wins the Derby Stakes in 1809. He is engaged on Monday in the Newmarket Craven Meeting, 1809, in a Stakes of 100gs. each, h. ft. against nine others; in the First Spring Meeting, in the Prince's Stakes; at Epsom, in the Derby Stakes; at Brighton, in the Darlington Stakes; and, at 8st. 4lb, against the Duke of Grafton's colt, by Waxy, out of Prunella, 8st 7lb, B. C. 200gs. h. ft.

Sir Charles Turner is now engaged on the turf again. He has purchased Thomasina, by Timothy, of Sir Thomas Gascoigne; Thorn, by Beningbrough, out of Constantia; and a bay colt, by Hambletonian, out of Thorn's dam, engaged in the Darlington Stakes of 200gs. each, h. ft. with fifteen others, at Brighton, 1808, of Henry Peirse, Esq. at Bedale, Yorkshire.

Mr. Thomas Hutchinson, of Hipswell-Lodge, near Richmond, Yorkshire, has sold the remainder of his stud to William Fermor, Esq. of Oxfordshire.—The lots were—Alexina, by King Fergus, out of Lardella, with a filly foal by Remembrancer, and covered by Stamford; a two-year old colt by Expectation, out of Lardella, engaged in the Derby Stakes at Epsom, 1808; a two-year old filly, by Stamford, out of Alexina, engaged in the Oaks' Stakes in 1808; and a yearling black filly, (sister to Houghton-Lass and Epsom-Lass) by Sir Peter Teazle, out of Alexina. The rest of his brood mares, &c. Mr. Hutchinson has disposed of at large prices. Lardella died in the spring, 1806.

Lord Yarborough has a stable of 25 thorough-bred horses, up at Brocklesby, in Lincolnshire; they are mostly bred by his Lordship, and got by Hambletonian, Quicksilver, Spartacus, &c. &c.—It is allowed, that his Lordship and attendants are better mounted than any other follower of hounds in the north of England; and his hounds are in the usual style of superiority.

Lord Monson's pack of fox-hounds is said to be excellent, and as well rode up to by his Lordship and friends as any in the kingdom.

The Newmarket Craven Meeting, 1808, will commence on Monday, April 18, when more stakes and matches are made to be run for, than have been known for many years past.—Malton Craven Meeting is fixed in the first whole week in April; Catterick-bridge, Wednesday, April 20; Burton-Hunt Meeting, over Lincoln Course, gentlemen riders, Tuesday, April 26; and Skipton Meeting, Wednesday, April 27, when much sport is expected at each place.

Game is so very plentiful upon the manors of Sledmore, Settrington, Garton, Bishop Wilton, Wetwang, &c. &c. that Sir M. M. Sykes, (the owner) who was returned at the last General Election for the City of York, has been for some time, and is still continuing, to treat his plumpers, consisting of upwards of 350, in the city and vicinity, with a hare each.—They are ticketed off, with the date when killed, tied with a blue ribbon, and on one side of the ticket is marked, *No Popery**.—The butchers, who stood so interestedly forward in supporting Sir Mark's election, are anxiously employed for the purpose of presenting him with a petition, against this new mode of feeding his volatile constituents.

An obstinate pitched battle, for ten guineas, was fought on Tuesday, the 15th, at Newington, between Samuel Bonney, a coachman, and Appleby, a brewer's servant. The combatants were attended by professional seconds and bottle-holders, and a sharply contested battle of 24 rounds in 40 minutes, ensued. It was a severe battle, mostly in favour of Appleby, until, in the technical phrase, he began to *cur* it, within five minutes of its termination. His adversary, on witnessing this alteration, won the battle in high spirits, although he was the worst beaten.

An article appeared during the present month in the Cambridge Paper, as follows:—

"Several persons having lately taken up their residence in this town, for the purpose of teaching the young members of the University the art of boxing, the Vice-Chancellor and Heads of Houses issued a notice, in which they, in strong terms, declare their disapprobation of the same, and that any of the members found offending will be proceeded against with the utmost severity. Since the above resolution, Tom Belcher, and Richmond the Black, have left this place."

To shew, however, the versatile opinions of people, we subjoin another article as under:—

"*Norwich, Dec. 5.*—On Saturday evening last, the lovers of the pugilistic art were entertained with a display of the skill of two of its most eminent professors, Messrs. Gulley and Cribb, in a sparring match, at the great room of the King's-Head Inn, where upwards of 200 persons were present; amongst whom we observed Mr. Windham, Mr. Edward Harbord, and many other gentlemen of the first respectability in this city and county. We augur favourably as to the revival of the ancient provincial spirit of attachment to athletic sports in general, from this public encouragement of a manly exercise, and, with reference to the country at large equally as well as to the individual, we do not hesitate to add, an *useful* science. Those who consider boxing as a barbarous and vulgar practice, may laugh at the idea that it is of national service; but, in the emphatic language of one of its professors, (Fewtrell on the Science of Manual Defence) we will affirm, that 'they laugh at the expence of truth.'—'The inhabitants of every country have their peculiarities, and these peculiarities are often of public utility. Boxing inspires, even in infancy, a martial spirit, which improves in our boyish days, and is matured in manhood. Man is taught to look his equals, nay his superiors,

* Which was at the particular request of Dr. Katerfelto, jun.

superiors, boldly in the face.—Though he is not inclined to attack others, he knows he is able to defend himself, a reflexion which must be ever pleasing to an independent mind. No size, no weight of body, will make any courageous person, skilled in pugilism, submit to base indignities. From a conviction, that the science is universally understood, the strong are taught humility, and the weak confidence. An exercise that thus diffuses courage throughout any nation, but more particularly England, a country from its politics and commerce so liable to war, must be of public utility."

Bristol, Dec. 21.—The bloodiest battle that ever was witnessed took place on Wednesday last, upon Clifton Downs, near Bristol, in consequence of a quarrel between Pearce, the Game Chicken, and three sturdy game-keepers, Hood, Francis, and Morris. In the course of the battle, which lasted 20 minutes, the Chicken, snbject to the whole attack, displayed such a system of shifting, retreating, stopping, and putting in hits, as entirely exhausted his opponents, and ensured him the final success of the battle. Francis and Morris now lie at the Three Tuns, in a most mangled state, and perfectly immoveable. Hood made off at the end of the seventh round, seeing his companions were likely to have the worst of it. The Chicken has suffered severely from a contusion of the head, the consequence of a dreadful blow from Morris while following up his companions, and is likely to undergo a surgical operation. It appears, the subject in dispute was a basket of apples the Chicken was conveying from his father's, where he had spent the day, which was mistaken for game, the enquiry into which was so stoutly resisted.

We have the following from newspaper report:—

Captain Barclay and Lieut. Fairman—The correspondence which has taken place between Lieutenant Fairman and Captain Barclay on the subject of their pedestrian feat, is to the following effect:—Mr. Barclay refuses to give the odds required by Mr. Fairman (being the same which he *himself* received from Wood) and declines to undertake a journey of 500 miles, on the *uncertainty* of running, after being put to that inconvenience; or, if at all, perhaps for only a *trifling* stake. In the neighbourhood of Ury, he offers to run Mr. Fairman, 100 miles, or any distance above 50, for his *own* sum. To this Mr. Fairman has replied, that as it is more in compliance with the wishes of some sporting friends, than from a confidence in his own powers, he is propelled to the contest, his difference in stature, and in every other requisite, makes him seek again, what he originally demanded. But that if Mr. Barclay, in the first instance, will give him the odds to which his inferiority of make and appearance entitle him, in the event of success, he will afterwards run him *even*. On these conditions, he has signified his readiness to meet *half way*, and to enter the lists with him for any sum not exceeding *five thousand pounds*, nor less than as many *hundreds*."

Sack Race.—The sack race, between the coachman, who is 77 years of age, and the countryman, for twenty guineas a side, took place at half past ten o'clock, on Friday morning, the 11th inst. in Hyde

Hyde Park. The ground was measured, 110 yards, from Grosvenor-gate; and a numerous assemblage of spectators arranged themselves in a double line on each side. As soon as the two men had been sacked up to their necks, the odds were seven to four on the coachman at starting, but when they had proceeded ten yards, the coachman, fell down, when the odds changed in favour of the countryman, who ran the 110 yards in forty-six seconds and a half. Several ladies, who were passing in their carriages, were very much diverted with the sport.

The race between Grinley and Cooke attracted, on Monday, the 14th inst. a great concourse of people in Hyde Park. At ten o'clock the ground was measured, 100 yards, nearly opposite the barracks. Cooke was on the ground, and waited until half past ten, when it was decided by the umpires, that Cooke should walk over the ground, which he did. Grinley arrived soon afterwards, and was adjudged to have lost his match, as the time was fixed for ten o'clock.

On Friday morning, the 18th inst. a young gentleman in the neighbourhood of Cannon-street, undertook for a considerable wager, to run from the standard in Cornhill, four miles on the Clapham road, in thirty minutes, which he performed with great ease in twenty-eight minutes and half: the odds were nearly two to one against him previous to starting.

On the 3d instant, Mr. Howell's mare, called Young Phenomena, trotted a race against time, at Finchley, for fifty guineas. The mare was to trot fifteen miles and a half within the hour; but after going six miles in twenty minutes, she fell off her pace, and was pulled up, after having gone fourteen miles in fifty-six minutes. The odds were beat on this occasion.

Saturday, the 12th instant, Mr. Wm. May, late of Shepperton, in the county of Middlesex, undertook, for a wager of five guineas, to trot his bay mare, on the road between Durham and Newcastle, eighteen miles in one hour, making his weight to ride 12st.; 14lbs. to the stone; which he performed with ease, having completed the distance in 58 minutes four seconds, which was one minute 56 seconds within the time given.

During the present month, a young Oxonian, for a considerable wager, ran from Oxford to Abingdon, and back again, twelve miles, in one hour and nineteen minutes, winning the wager by one minute.

On Wednesday, the 16th instant, Mr. J. C. undertook, for a wager of 100 guineas, to make the best of his way, (18 miles in three hours) on the Lea-Bridge road. He started at twelve o'clock, and performed his journey one minute and ten seconds within the time limited.

The above Mr. J. C. has since offered to take the same odds of Lieutenant Fairman as the Lieutenant requested of Captain Barclay, to go a hundred miles for a thousand guineas. A friend of Mr. Fairman's has offered that he shall start against any gentleman, for a thousand guineas a side, and he that goes farthest without refreshment to receive half forfeit; nothing, however, is decided on either of these propositions.

Lieut. Holles, of Baker-street, undertook, on Thursday, the 17th, for

for a bet of 50l. to run a mile in six minutes, another in six minutes and a half, and another in seven minutes, at three starts, and to be allowed half an hour to perform the three miles. The race was on the Kilburn road, and the Lieutenant, who weighs thirteen stone, lost the match in the third start.—He did the first mile in half a minute less than the given time, the second mile he performed with difficulty in the time, and he was a minute over time in going the last.

THREE or four Cambridge bucks, on Thursday evening, the 17th instant, made a wager, for 100gs. that they wonld dance at the ball at Huntingdon, and also at the New Rooms at Bury, the same night; which they accomplished, although at the distance of fifty-eight miles.

THE Wiltshire man, who was to hop 100 yards in 50 hops, for a wager of ten guineas, performed it on Saturday, the 19th instant. The ground was measured out in Grosvenor-square, from North-Audley-street to Duke-street.—Great numbers of people, who had money depending, were present. Before starting, the odds were two to one against him, when, to the surprise of the spectators, he went over the ground in 45 hops.

ON Saturday, Dec. 12, at Cranbrook, Surrey, a Pigeon Shooting Match, for a Silver Cup, value thirty guineas, and one hundred guineas in specie, took place, in an inclosure belonging to Mr. Sebley, who entertained the sportsmen with a sumptuous dinner. The shooting match was between Messrs. Vanderstine and King, known good shots; aud Mess. Harvey and Collins, at 21 birds, from a trap at 21 yards, and a boundary of 100 yards for the birds to fall in. Vanderstine had 11 shots, and brought five pigeons only to bag, four having got away from the boundary after having been hit. His coadjutor killed eight birds of the ten left him, making in the whole 13 dead birds. The opposing party killed 13 birds also in the 21 shots, Harvey having killed nine out of 14, and his assistant only four in ten shots. Messrs. King and Harvey shot off the ties by consent, and added ten guineas to the original stake, when King winged his sixth bird, which got out of the bounds, and his adversary, who had killed, won the match.

UPON the sporting demesne of Sir Thos. Gooch, Bart. in Suffolk, no less than 6000 hares were killed in the course of the last year!

A FEW days since, as the Steyning hounds were trailing through Treakles Wood, Sussex, they found a hare, that gave them a hard run to Heath Common, when puss being exhausted, sought for shelter under the roof of a cottager of the name of Maze: but in Mr. Maze, the timid animal found an enemy equally as ferocious as her pursuers, for he instantly killed her, and concealed her under his bed, but in doing so, Mr. Maze was not aware of the danger and difficulty he was about to experience, for the hounds coming up in a few minutes, and the scent of the hare being strong on his person, they immediately seized on him, and had it not been for the fortunate appearance of the huntsman, who found him in a very perilous situation, the consequence might have been fatal.—Mr. Maze was *amazingly* glad of

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an opportunity to deliver up the hare, that he himself might have a safe deliverance from such troublesome visitors!

SHOCKING Cruelty to a Horse.—On Sunday the 20th instant, Mrs. White, of Cannon-row, Westminster, hired a chariot and pair from Mr. Thomas Gullan, a livery stable-keeper, on the Surrey side of Westminster bridge, for the purpose of going to Two Waters, in Hertfordshire, and intending to return to town by the same conveyance on Monday. The driver stopped at several places on the road to drink, till he became intoxicated, and could not drive the chariot with any degree of safety; he, however, got to Watford without any material damage, when Mrs. W. determined not to proceed any further with him, and hired a post-chaise to pursue her journey, which the fellow had the audacity to follow with the chariot, for near a mile, abusing and threatening Mrs. W. and flogging his horses in a most wanton manner, but at length gave up following Mrs. W.—On his return, upon Bushy Heath, near Stanmore, he flogged his horses with so much violence, that he broke his whip: he then, pursuing his cruelty to an unexampled pitch, forced the handle of his whip into one of his horses, so that his entrails came out. The horse, maddened by this torture, kicked and plunged of course, and falling between the splinter-bar and the wheel, actually split his body between the flanks. It is hardly necessary to add, the poor animal died in a few minutes. This inhuman conduct was seen by Mr. Peak, who resides near the Abercorn Arms, at Stanmore. The fellow proceeded with the carriage, with one horse, and drove with such violence into Stanmore, that the pole of the chariot and the horse's head were forced into the parlour window of Mr. Richard Fitch, and did considerable damage. On Monday night, about half past eight o'clock, the horse and chariot arrived, full speed, at Mr. Gullan's yard gate, which beng shut, the pole and the horse's head broke them open, and the chariot entered the yard full speed; the horse forced his way into the passage of Mr. Gullan's residence. On inquiry it turned out, that the fellow had not found his way back to London till Monday night, when he stopped at the Anchor and Vine public-house, Charing Cross, to get some liquor, and the horse, tired of waiting, set off, and found his way home. On Tuesday morning, Mr. Gullan received several letters by the post, informing him of the above; he, in consequence, went in pursuit of the driver, whose name is James Major; and having found him, took him before Mr. Nares, at the Public-Office, Bow-street, who ordered him to be detained. The horse he killed was worth sixty guineas.

TOWARDS the latter end of this month, as Mr. N. Raven was out shooting with a gamekeeper of Lord Cholmondeley, and going over a hedge with his gun on half-cock, something caught it, and drew it part of the way on cock, when it went off, and shot away part of the keeper's mouth; he was able after the accident to walk home, but is very materially hurt.

MR. Willard, brewer, of Lewes, has a spaniel bitch, which in four litters produced sixty-five whelps, viz. the first litter, 15; the second, 15; the third, 15; and the fourth, 20.

POETRY.

THE HIGH COURT OF DIANA.

THE FOOT-BALL MATCH.

CONTENDING PARTIES.

Playwell	*Tom the Tinker*
Hal the Butcher	*Little Simon*
Jack the Smith	*Neddy*
The Barber	*Bob*
Dusty Dick	*Ralpho.*

WHILE George, illustrious, rules our happy land,
Dispensing justice, with benignant hand,
While smiling health trips cheerly o'er the fields,
And the rich soil a gen'rous harvest yields,
Be mine the humble task, in artless strains,
To sing the pleasures of the village swains;
In jarring verse, those heartfelt joys to show
Which oft I've felt—and rustics only know:
When the round ball flies whistling to the goal,
And ardour burns in each determin'd soul.

In Hunts fair county is a village shewn,
That agriculture fondly calls her own;
Where ev'ry morn invites to daily toil,
And ev'ry eve, athletic sports beguile.
There from the world, great *Playwell* liv'd retir'd,
At once respected, envied, and admired.
Kind and obliging, though of strength immense,
He scorn'd to strike, except in self-defence;
Or to maintain a friend's or neighbour's right,
When many a boaster fell beneath his might.
Were active wrestlers striving on the green,
What youth so strong, so finely form'd, was seen?
His manly features, richly ting'd with health,
Confus'd the pallid cheek of lordly wealth,
While his superior skill in ev'ry play
Obtain'd the highest honours of the day.
'Twas his to hurl the bowl, to throw the coit,
To bid the foot-ball tire the aching sight,
To dance or wrestle on the verdant mead,
To guide the ploughshare, and the team to feed:
Nor will his wond'rous leap be e'er forgot,
Nor how the children gambol'd o'er the spot;
Full twenty feet he cover'd at a bound,
And bore the hat triumphant off the ground:—
In short, his cot was fill'd with prizes won,
And ev'ry father wish'd for such a son.

Thus, lov'd by all, he liv'd in much renown,
When *Tom the Tinker* journey'd to the town;
Oft had great *Playwell* heard that Champion's fame,
Yet knew the dusky hero but by name,
While *Tom*, no stranger to his praises too,
Resolv'd to learn, *incog.* if all was true.
Not long the gallant *Tinker* lay conceal'd,
For ev'ry eve our Hero's might reveal'd;
Frankly then *Tom* his rival's pow'rs confess'd,
And emulation fir'd his swelling breast.
He sought his comrades, told them such a tale,
When o'er their cups, and warm'd with gen'rous ale,
That ev'ry honest youth, indignant swore,
Great *Playwell*'s fame should soon be heard no more.

Ralpho propos'd a challenge should be wrote,
And *Neddy* offer'd to convey the note:
But here stern learning cross'd the bold design,
For not a soul could write a single line;
Amazement reign'd—each hero wip'd his face,
Laid down his pipe—and ponder'd o'er the case.
Dull disappointment hover'd round the room,
And cast on ev'ry face a dismal gloom;
Envy awhile the rustic heart possess'd,
And Discord, doubting, mingled with the rest.
Thus torn by various passions, all the throng
Their ale neglected, and forgot their song.
At length, my friends, the gallant *Tinker* cry'd,
The want of learning may be soon supplied;
Be our's to make old Goodman Dobbs a friend,
He'll write for sixpence all we wish to send—
Huzza! they cried, and Discord sneak'd away,
Envy retir'd—and ev'ry face was gay.

Just at the nick, old Dobbs came stalking in,
Stiff as a poker, and almost as thin;
His solemn gait and frozen face bespoke
The small regard he bore for mirth or joke.
His little snubby turn'd-up nose declar'd,
In what contempt it held the common herd,
While his sharp eye—for one, alas! was gone,
Disdain'd to notice merit—not his own.
His was the art to sing—without a tune,
Or pump hoarse thunder from the harsh bassoon;
For, nicely skill'd, he sung and play'd by rote,
And scorn'd the trifling nonsense of a note.
He also toll'd the bell, and bore the spade,
And many an artful task perform'd if paid;
For well the ways of worldly men he knew,
And never gave advice and credit too.
This truth we're told his conduct clearly prov'd:—
At first he heard their little tale unmov'd,
Said he'd consider, hem'd and rubb'd his eye,
And held his sapient head amazing high,—
Tom took the hint, and as their rhetoric fail'd,
Produced the shining teste, and prevail'd.
With prudent care he first secur'd the chink,
Then stoutly call'd for paper, pen, and ink,
And wrote a challenge in no common strain,
Which *Playwell* soon perus'd with cool disdain.

These facts premis'd—'twill now suffice to say,
The chiefs of either party fix'd the day,
And ev'ry youth was eager for the play.

At length the swains assemble on the place;
Health's rosy glow on ev'ry honest face.
The ground is mark'd, the diff'rent goals prepar'd,
The purpose of their meeting next declar'd;
All sordid views these gallant lads disclaim,
And nobly strive for conquest and for fame.
Say, then, my muse, who first the game began:
'Twas *Little Simon*—John the cobler's man,
A handkick sent the harden'd globe on high,
The tim'rous pigeon scarce so swift can fly.
Each rustic's eyes, observant, mark its fall,
And *Hal the Butcher* met the welcome ball,
Which, by his active foot impell'd along,
Whistled with vengeance 'midst the eager throng,
When *Ralpho*'s lofty forehead stopp'd its force,
And by the contact, chang'd its furious course.
He rubb'd the place, and smiling at the pain,
Resum'd his wonted hardiness again.
Now dire contention madden'd o'er the ground,
And artful *Bob* was slily circling round,
For